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LIST OF REFERENCES ON THE
TREATY-MAKING POWER

COMPILED UNDER THE DIRECTION OF
HERMAN H. B. MEYER
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TABLE OF CONTENTS

Prefatory note-----	Page 5
Treaty-making power: General-----	7-37
Treaty-making power in foreign States, particularly Great Britain-----	38-48
Treaty-making power in the United States:	
I. General discussions and collections-----	49-96
II. Under the Confederation-----	96-100
III. As considered in the Federal convention and before the adoption of the Constitution-----	101-109
IV. As considered in writings on the Constitution-----	109-117
Considerations in respect to special treaties-----	118-204
Author index-----	205-213
Subject index-----	214-219

PREFATORY NOTE

The provisions in the Constitution of the United States concerning treaty making have always given rise to a great deal of discussion but never more so than at the present time. The list here presented covering such discussions and related literature is arranged with a view to the logical development of the subject. It begins with general discussions on treaty making as found largely in treatises of international law, followed by discussions of the practice in other countries. Then the United States is taken up and here the grouping is largely historical. First general discussions, then treaty making under the Confederation, discussions attending its disposition in the constitutional convention, and constitutional treatises, lastly a group of discussions of special treaties arranged chronologically from the beginning down to recent date.

The bulk of the material for the list was brought together and the general scheme of presentation devised under the former Chief Bibliographer, Mr. A. P. C. Griffin, who had the assistance of Mr. William A. Slade, the chief assistant in the division. The compilation of later material and the preparation for the press has been done under the present Chief Bibliographer with the assistance of Miss F. S. Hellman.

The object in view in the arrangement of the material is to afford a historical view of the treaty-making power as exercised in typical instances.

H. H. B. MEYER,
Chief Bibliographer

APPLETON P. C. GRIFFIN
Acting Librarian of Congress
Washington, D. C., September 8, 1919

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- 2 **Anzilotti**, Dionisio. Il diritto internazionale nei giudizi interni. Bologna, Ditta V. Zanichelli, 1905. 2 p. l., vi p., 1 l., 328 p. 23½^{cm}.

See Index: Trattati internazionali: p. 328.

8-36405

JX1248.A6

- 3 ——— Interpretazione dei trattati.

Rivista di diritto internazionale, 1915, v. 9: 211-214.

JX7.R6,v.9

- 4 ——— Volontà e responsabilità nella stipulazione dei trattati internazionali.

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- 5 **Appert**, G. De l'interprétation des traités diplomatiques au cours d'un procès.

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Boston, Little, Brown, & company; London, K. Paul, Trench, Trübner & co., ltd., 1899. 3 p. l., [ix]—xxvi, 428 p. 22½^{cm}.

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Amsterdam, Chez les Janssons à Waesberge, Wetstein & Smith; [etc., etc.] 1739. 2 v. in 1. front. 47^{cm}.

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London, Sweet & Maxwell ltd.; Boston, Mass., Boston book company, 1907. xiv, 383, [1] p. 28 x 22¹/₂cm.

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- 9 Bergbohm, Carl. Staatsverträge und Gesetze als Quellen des Völkerrechts.

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3-10983

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- 10 Bernard, Mountague. Four lectures on subjects connected with diplomacy.

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- 11 Bluntschli, Johann Kaspar. Le droit international codifié, tr. de l'allemand par M. C. Lardy. 5. éd., rev. et augm.

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- 12 ——— Das moderne Völkerrecht der civilisirten Staten als Rechtsbuch dargestellt. 3. mit Rücksicht auf die neueren Ereignisse bis 1877 ergänzte Aufl.

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(*In Great Britain. Parliament. Sessional papers, 1903. Cd. 1807.*)

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- 46 **Griffith, William.** International law: history, principles, rules, and treaties.

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Discusses the question as it was raised in the Belgian Senate by M. de Lantsheere who defended the thesis that a treaty of the kind in question should be submitted to the Chambers and acted on, article by article, as in ordinary legislation.

JA11.R5,v.22

- 214 Esmein, Adhémar. Éléments de droit constitutionnel français et comparé. 6 éd. rev. par Joseph Barthélemy.

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Edinburgh and London, W. Blackwood and sons, 1870. 3 p. l., [v]-vii, [1], 222 p. 18½cm.

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- 216 Gneist, Rudolf von. Das englische Verwaltungsrecht mit Einschluss des Herres, der Gerichte and der Kirche geschichtlich und systematisch.

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- 217 Gorius, Fr. Das Vertragsrecht des Deutschen Reichs.

Annalen des Deutschen Reichs, 1874, v. 7: 759-772.

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- 218 Gt. Brit. *Foreign office.* Treatment of international questions by parliaments in European countries, the United States, and Japan.

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- 219 **Hertslet**, Sir Edward, *comp.* Treaties and tariffs regulating the trade between Great Britain and foreign nations; and extracts of treaties between foreign powers, containing most-favoured-nation clauses applicable to Great Britain. *London, Butterworth's [etc.] 1875-79. 6 v. fold. map. 26cm.*

CONTENTS.—v. 1. Austria.—v. 2. Turkey.—v. 3. Italy.—v. 4. China.—v. 5. Spain.—v. 6. Japan.

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- 220 **Laband**, Paul. *Le droit public de l'Empire allemand.* Éd. française rev. et mise au courant de la dernière législation par l'auteur. *Paris, V. Giard & E. Brière, 1900-04. 6 v. 23½cm. (Bibliothèque internationale de droit public)*

Les traités internationaux: Définition et nature juridique: v. 2, p. 436-447; Conclusion des traités internationaux: p. 447-483; De la validité des traités internationaux: au point de vue du droit public: p. 484-504; Foot-note references.

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- 221 **Lapradelle**, A. de. *Le Parlement et les traités d'alliance.* *Revue du droit public et de la science politique, Oct.-Dec., 1904, v. 21: 843-845.*

On the Franco-Russian alliance.

JA11.R5,v.21

- 222 **Lee**, Sidney. *The prime minister and the crown.* *Spectator, Jan. 3, 1903, v. 90: 12-13.*

AP4.S7,v.90

- 223 **Michon**, Louis. *Les traités internationaux devant les chambres.* *Paris, A. Chevalier-Marescq & C^{ie}, 1901. 3 p. l., 530 p. 23cm.*

Reviews the history of the rôle played by the assemblies of France in the treaty-making power, and gives an exposition of the power as it now exists under the French constitution of 1875. A chapter is devoted to the rôle of chambers as to treaties in foreign constitutions, under four heads, namely: 1. Constitution not requiring the sanction of the legislative power for the conclusion of a treaty (England); 2. Constitutions requiring the sanction of the legislative power for certain treaties (Belgium, Italy, Austria, Germany, Spain, Netherlands); 3. Constitutions requiring the sanction of the legislative power for all treaties (United States). The true rôle that chambers should play in the treaty-making power is the subject considered in the fourth and last chapter.

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- 224 Moore, William Harrison. Act of state in English law.

London, J. Murray, 1906. xi, 178 p., 1 l. 23cm.

"The execution of the treaties", p. 84-92; "Aliens", p. 93-99; "Direct external relations of states," p. 100-114; "Civil discord in foreign countries", p. 115-119; "Acts under the authority of a foreign sovereign", p. 120-131; "Treaties as sources of right", p. 132-135; "Treaties in relation to contracts and private debts", p. 136-138; "Discharge of obligations by the authority of a foreign sovereign", p. 139-145; "Actions by foreign sovereigns", p. 146-156; "Succession to state rights and liabilities", p. 157-178.

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- 225 Moreau, Félix Pierre Louis. Précis élémentaire de droit constitutionnel (organisation des pouvoirs publics et libertés publiques) 8. éd., complètement rev.

Paris, L. Tenin, 1917. 3 p. l., 627 p. 18cm.

Traité, p. 369-372.

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JN2597.M7 1917

- 226 Ottley, Henry. On the errors and mischiefs of modern diplomacy, as based upon the assumed prerogative of the crown in matters of peace and war; with particular reference to the treaty of Washington of 1871, and the negotiations connected with it, down to the adjournment of the Tribunal of arbitration on the 28th June.

London, Chapman and Hall, 1872. viii, 188 p. 19cm.

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- 227 Pierre, Eugène. Traité de droit politique électoral et parlementaire. 3. éd. contenant des références au Supplément.

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Paris, Librairies-imprimeries réunies, 1910. xxvix, 1049 p., 1 l. 25½cm.

Traité internationaux. Comment négociés et ratifiés, autrefois, par. 546; aujourd'hui: 547; à l'étranger: 548; définition des traités soumis à la ratification des Chambres: 549; le Pouvoir législatif n'a pas le droit de lier d'avance le Pouvoir exécutif: 550, 551; délibération sur les traités, 863 et suiv.; reproduction d'un traité rejeté: 70; règles spéciales à la promulgation des traités: 506; cas d'arbitrage diplomatique: 92.

12-25725-6

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- 228 **Ratification** of treaties; methods and procedure in foreign countries relative to the ratification of treaties, also extracts from the executive Journal of the Senate relative to proceedings in cases of treaties rejected by the Senate.

Washington, Govt. print. off., 1919. 280 p. incl. forms. 23cm. ([U. S.] 66th Cong., 1st sess. Senate. Doc. 26)

19-26500

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- 229 **Robinet de Cléry.** Des conditions de validité des traités diplomatiques dans l'état actuel de notre législation.

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- 230 **Stephen, Henry John.** Mr. Serjeant Stephen's New commentaries on the laws of England (partly founded on "Blackstone.") 15th ed. Under the general editorship of Edward Jenks.

London, Butterworth & co., 1903. 4 v. fold. tab. 22cm.

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- 231 **Todd, Alpheus.** On parliamentary government in England: its origin, development, and practical operation.

London, Longmans, Green, and co., 1867-69. 2 v. 22½cm.

The right of making treaties: v. 1, p. 609-614.
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- 232 ——— Parliamentary government in England: its origin, development, and practical operation. New ed., abridged and rev. by Spencer Walpole.

London, S. Low, Marston & company, limited, 1892. 2 v. 19½cm.

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JN121.T7

- 233 **Traill, Henry Duff.** Central government. Rev. and cor. by Sir Henry Craik.

London, Macmillan and co., limited, 1908. 2 v. 165 p. 19½cm.
(*The English citizen: his rights and responsibilities.*)

Direction and control of foreign affairs: p. 74 et seq.
9-18926

JN421.T72

- 234 **Treaty-making power and the empire.**

Law journal, June 11, 1910, v. 45: 386.

Effect in developing an imperial constitution in Great Britain.

- 235 **Twiss, Sir Travers.** On the treaty-making power of the Crown: "Le Parlement Belge."
Law magazine and review, May 1879, 4th ser., v. 4: 257-281.

- 236 **U. S.** *58th Cong., 3d sess., 1904-1905. Senate.* Constitutional methods of making and ratifying treaties in certain foreign countries, and also list of arbitration treaties and conventions submitted to and acted upon by the Senate. February 14, 1905.—Presented by Mr. Lodge and ordered to be printed. February 20, 1905.—Ordered reprinted with additions.

[*Washington, Gov't print. off., 1905*] 9 p. 23^{cm}. (*58th Cong., 3d sess. Senate. Doc. 158*)

6-11836

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- 237 ——— *Dept. of state.* The treaty-making power in various countries. A collection of memoranda concerning negotiation, conclusion, and ratification of treaties and conventions, with excerpts from fundamental laws of various countries.

Washington, Gov't print. off., 1919. 89 p.

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- 238 **Vogels, Aloys.** Die staatsrechtliche Stellung der Bundesratsbevollmächtigten.

Tübingen, J. C. B. Mohr (P. Siebeck) 1911. viii, 103 p. 24½^{cm}. (Abhandlungen aus dem Staats-, verwaltungs- und völkerrecht . . . [bd.] VII [hft.] 5)

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- 239 **Walpole, Sir Spencer.** Foreign relations.

London, Macmillan and co., 1882. 3 p. l., 162 p. 20^{cm}. (The English citizen: his rights and responsibilities)

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- 240 **Zorn, Ph.** Die Deutschen Staatsverträge.

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H5.Z4,v.36

GREAT BRITAIN: COLONIES

- 241 **Canada** and the treaty-making power.

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AP4.S7,v.92

- 242 **De Sumichrast.** Independence and the treaty making power.
Canadian magazine, May, 1904, v. 23: 26-31. AP5.C2,v.23
- 243 **Hodgins, Thomas.** Canada and the treaty-making power.
Canadian magazine, Mar. 1904, v. 22: 479-482.
 Formulates a claim "for enlarged treaty-making powers 'subject to the veto of the Sovereign.'" AP5.C2,v.22
- 244 **Keith, Arthur Berriedale.** Foreign policy and the democracies of the empire.
Society of comparative legislation. Journal, Apr. 1918, v. 18: 47-57. JA29.S7,v.18
- 245 ——— Imperial unity and the dominions.
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- 246 ——— Responsible government in the dominions.
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- 247 **Macdonnel, John.** Dominions and treaty making powers.
Law times, June 1, 8, 1918, v. 145: 101-102, 116-117.
- 248 **Skelton, O. D.** Canada and the most favored nation treaties.
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 AP5.Q3,v.19
- 249 **Smith, Goldwin.** Can Canada make her own treaties?
Canadian magazine, Feb. 1904, v. 22: 331-335.
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- 250 **Stuart-Linton, Charles E. T.** The colonies and treaty powers.
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- 251 **Todd, Alpheus.** Parliamentary government in the British colonies. 2d ed., edited by his son.
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 Treaties, affecting Chinese immigration, p. 187-196; affecting colonist trade, p. 228; extension of treaty privileges to colonies, p. 265. See also "Imperial dominion exercisable over self-governing colonies; in foreign relations; and through the operation of treaties," treaty-making powers, etc., p. 247-300.
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252 Tupper, Sir C. Hibbert. Treaty-making powers of the Dominions.

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JA29.S7,v.17

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I. GENERAL DISCUSSIONS AND COLLECTIONS

- 253 **Abbott, Lyman.** The power of the government to make a general arbitration treaty.

(In Lake Mohonk conference on international arbitration, 11th report, 1905. p. 68-71. Lake Mohonk, 1905. 22 $\frac{1}{2}$ cm.)

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- 254 **Adams, John Quincy, pres. U. S.** Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848. Ed. by Charles Francis Adams.

Philadelphia, J. B. Lippincott & co., 1874-77. 12 v. fronts. (v. 1, 3, 8) 25cm.

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4-20138

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- 255 **Alger, George W.** The states and national treaties.

Independent, Apr. 29, 1909, v. 66: 890-893. AP2.I53,v.66

- 256 **America** and arbitration.

(In The Outlook, London, Feb. 18, 1905, v. 15: p. 215-216.)

"The fact is that what drove the Senate to act as it did in 1897 and again last Saturday was, beyond everything else, the primal instinct of self-preservation. The Constitution lodges in the Senate the right to a final voice in the conduct of foreign affairs; all treaties, to be effective, must be ratified by a two-thirds majority of the Senators present. And that is a prerogative which the Senate has not the least intention of relinquishing."

AP4.08,v.15

- 257 **Anderson, Chandler P.** The extent and limitations of the treaty-making power under the Constitution.

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- 258 **The arbitration treaties:** precedents; a chapter of history; only a word; the Senate.

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- 259 **Bacon**, Augustus O. The treaty-making power of the President and the Senate.
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- 260 **Baldwin**, Simeon E. Schooling rights under our treaty with Japan.
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- 261 **Barrett**, James T. International agreements without the advice and consent of the Senate.
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- 262 **Bascom**, John. Growth of nationality in the United States; a social study.
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- 263 **Bellot**, H. H. L. Treaty-making power in the United States and the growth of the executive.
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- 264 **Bigelow**, John. Breaches of Anglo-American treaties; a study in history and diplomacy.
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- 265 **Biklé**, Henry Wolf. The constitutional power of Congress over the territory of the United States.
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- 266 **Bird**, C. B. Right of states to pass local laws in conflict with foreign powers.
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- 267 **Boyd**, James H. Limitations of the treaty-making power of the president of the United States with the concurrent power of the Senate.
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- 268 **Burgess**, John William. Political science and comparative constitutional law.
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- 269 **Burr**, Charles H. The treaty-making power of the United States and the methods of its enforcement as affecting the police powers of the states.
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- 272 [Cadwalader, John L.] Notes upon treaties and conventions concluded between the United States and foreign powers since May 1, 1870, and upon the construction thereof, with some references to recent construction of the foreign treaties of the United States, and to late judicial decisions relating thereto, and to the causes of abrogation of some of the same.

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- 273 Canada. *Dept. of external affairs.* Treaties and agreements affecting Canada in force between His Majesty and the United States of America, with subsidiary documents, 1814-1913. Comp. under the direction of the Right Honourable R. L. Borden.

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- 275 ——— Le pouvoir exécutif aux États-Unis, étude de droit constitutionnel. 2. éd., rev., cor. et augm., avec préface de M. Pierre de Chambrun.

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- 276 Clancy, Charles Sumner. An organic conception of the treaty-making power vs. state rights as applicable to the United States.

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- 277 Clayton, J. C. A new view of the deportation cases in the Supreme Court. Is Congress empowered to abrogate a treaty?

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- 278 Cockes, William Archer. The supremacy of a treaty and the sovereignty of a state.

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- 279 Coleman, William C. The treaty power and its relation to state laws.

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- 280 Corwin, Edward Samuel. The doctrine of judicial review, its legal and historical basis, and other essays.

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JK1541.C7

- 281 ——— National supremacy; treaty power vs. state power.

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Reviewed in *Nation*, Jan. 15, 1914. v. 98: 61.

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17-29737

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- 283 ——— Treaty-making power: a rejoinder.

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AP2.N7,v.199

- 284 Crandall, Samuel Benjamin. Treaties, their making and enforcement.

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"The United States": p. 19-150.

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H31.C7,v.21

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Washington, D. C., J. Byrne & company, 1916. xxvii, 663 p. 23½^{cm}.

CONTENTS.—Introduction; Pt. I. The United States; Div. I. Prior to the Constitution: Prior to the Articles of Confederation; Under the Articles of Confederation; The Federal convention; Discussion preceding the adoption of the Constitution. Div. II. Under the Constitution: I. The making: The advice and consent of the Senate; Powers of the President; Agreements reached by the executive without the advice and consent of the Senate; Agreements reached by the executive in virtue of Acts of Congress; Agreements entered into by states of the union. II. The execution or enforcement: Operation of treaties as municipal law; Treaties involving an appropriation; Treaties involving a modification of the revenue laws; Treaties for the acquiring and cession of territory; Legislation to give effect to various other treaties; Treaties involving subjects otherwise under the control of the individual states; Jurisdiction of federal courts; Pt. II. Foreign states. Pt. III. The operation of treaties as between states: Date of taking effect; Determination of disputed interpretations of treaties; Aids in the interpretation of treaties; The American construction of the Most-favored-nation clause; Termination of treaties. Appendix I. A digest of decisions of American courts construing treaties arranged by countries and treaties; Appendix II. Forms. Index.

16-6404

JX4165.C8 1916

Reviewed by Charles Henry Butler in *American journal of international law*, v. 10: 675-676.

JX1.A6,v.10

- 286 Croswell, Simon Greenleaf. The treaty-making power under the Constitution.

American law review, July-Aug. 1886, v. 20: 513-527.

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making power confided to the President and Senate covers commercial treaties." the following cases and references: Taney, C. J. in *Holmes v. Jennison*, 14 Pet. 519, *United States v. Forty-three Gallons*, 93 U. S., 196. Story on Const., sec. 1508; *Taylor v. Morton*, 2 Curtis, 454 (*Tariff of 1842* 5 Stat. at L., 548); *Foster v. Neilson*, 2 Pet. 314; *Scott v. Sandford*, 19 How., 629; *Ropes v. Clinch*, 8 Blatchf. C. C. 304; *Bartram v. Robertson*, 15 Fed. Rep. 112, 212; *Edge v. Robertson*, 18 Fed. Rep., 185.

287 **Cullom, S. M.** The treaty-making power.

North American review, Mar. 1905, v. 180: 335-346.

Upholds the constitutional right of the Senate to make reciprocity treaties. AP2.N7,v.180

288 **Currey, John.** State v. Treaty rights.

Lawyer and banker, Feb. 1913, v. 6: 6-16.

Chicago legal news, Feb. 22, 1913, v. 45: 226-228.

289 **Cushing, Caleb.** Droit d'aubaine. The government of the United States has constitutional power to enter into treaty stipulations with foreign governments, for the purpose of restricting or abolishing the property disabilities of aliens or their heirs in the several States. Feb. 26, 1857.

(In U. S. Dept. of justice. Official opinions of the Attorneys general, v. 8, comp. by C. Cushing, p. 411-418. Washington, 1858.)

290 **D., A. J.** The treaty-making power. Can the President and Senate set aside the law and establish free-trade?

American economist, Feb. 7, 1902, v. 29: 62-63.

HC101.A5,v.29

291 [**Davis, J. C. Bancroft.**] Notes upon the foreign treaties of the United States; with some references to negotiations preceding them; to the executive, legislative, or judicial construction of them; and to the causes of the abrogation of some of them.

(In U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers, since July 4, 1776. Rev. ed., p. 927-1082. Washington, 1873.) JX236 1873

(Also appears as Senate ex. doc. no. 36, 41st Cong., 3d sess. (Serial no. 1441). Some incomplete copies of the first edition of this compilation, without the notes and indexes, got into circulation. The notes and indexes were also issued in separate form.)

The treaty-making power, p. 931-944; Constructions by the attorneys-general and courts of the United States, p. 941-942; Discussions in Congress of the treaty power under the Constitution, p. 942-944.

- 292 [Davis, J. C. Bancroft.] Notes upon the foreign treaties of the United States; with some references to negotiations preceding them; to the executive, legislative, or judicial construction of them; and to the causes of the abrogation of some of them.

(*In* U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers since July 4, 1776, p. 1217-1406. Washington, 1889.)

JX236 1889

(Also appears as Senate ex. doc. no. 47, 48th Cong., 2d sess.)

Serial no. 2262

Discussion of the treaty-making power in Introductory note, p. 1219-1230; Constructions by the attorneys-general and courts of the United States, p. 1227-1229; Discussions in Congress of the treaty power under the Constitution, p. 1229-1230.

- 293 ——— Treaties of the United States.

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- 332 ——— Notes on the extradition treaties of the United States.

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339 ——— *Same. New York and London, G. P. Putnam's sons, 1904-'05. 12 v. fronts (ports.) fold. map, plans, facsim. (part fold.) 24½cm.*

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Quotations from Jefferson's writings on treaties, with references to the sources, and including discussions of the treaty-making power, p. 874-886; Jay treaty, p. 436-438.

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- 343 Jèze, Gaston. Du rôle des chambres dans l'approbation ou l'exécution des traités internationaux d'après la Constitution des États-Unis de l'Amérique du Nord.

Revue du droit public et de la science politique en France et à l'étranger. July-Sept., 1904, v. 21: 455-514.

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- 344 Jones, François Stewart. Treaties and treaty-making.

Political science quarterly, Sept. 1897, v. 12: 420-449.

Describes the procedure in formation of treaties, and gives some account of the treaty-making prerogative in various countries particularly in the United States. Gives examples of the exercise of powers vested in the President and Senate respecting ratification of treaties.

H1.P8,v.12

- 345 Kasson, John Adam. The evolution of the Constitution of the United States of America and History of the Monroe doctrine.

Boston and New York, Houghton, Mifflin and company, 1904. xviii, 273, [1] p. front., port. 21cm.

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- 346 ——— Reciprocity; the benefits that will accrue to this country by the confirmation of the treaties now pending in the United States Senate.

[*Chicago, Rogers and Wells printers, 1901*] 44, [4] p., 1 l. 19cm.

"Delivered before the Illinois manufacturers' association at Chicago, October 24, 1901."

Discusses among other topics, "Are reciprocity treaties warranted by our Constitution," "Their relation to the most-favored-nation clause," "The Congressional reciprocity of 1890 and 1897," etc.

Mr. Kasson's conclusion is "that reciprocal commercial conventions, duly ratified, may make concessions of duties, as well as of other commercial favors and privileges; and that they will remain in force until repealed by Congress."

9-26020

HF1731.K3

- 347 Kellogg, Frank B. Treaty making power.

(*In American bar association. Report, 1913. Baltimore, 1913. 23½cm. p. 331-359.*)

Also printed in *Chicago legal news*, Oct. 11, 1913, v. 46: 75-76, 78-80; *Ohio law bulletin*, Oct. 20, 1913, v. 58: 401-414. Summary printed in *American legal news* Sept. 1913, v. 24: 23-24; *Washington law reporter*, Sept. 12, 1913, v. 41: 590-591.

- 348 **Kuhn, Arthur K.** The treaty-making power and the reserved sovereignty of the states.

Columbia law review, Mar. 1907, v. 7:172-185.

"From the very nature of our government, the treaty-making power must reside centrally or nowhere. If there be a limitation upon the power of the President and Senate to enter into a particular treaty, the power of the entire nation has been so much cut down." p. 184.

- 349 **Lawrence, William.** The treaty power under the Constitution of the United States.

[*Washington, D. C., 1871-1875.*] 4 pts. in 1 vol. 8°.

A made up volume with inserted manuscript title-page and preface, the latter reading:

"The following papers were written in form of arguments for the purposes therein indicated. In them will be found, to some extent, a discussion of the Treaty Power under the Constitution of the United States, with a reference to many authorities and official documents which may be found useful in the investigation of the subject.

"The reader is also referred to the case of *Wood vs. The M. K. and T. Railway Co.*, 11 Kansas Reports 323, and *Holden vs. Joy*, 17 Wallace Reports 11.

"W. L."

Included are the following: Peter J. Holden, appellant, *vs.* James Joy, Supreme Court of the United States, December term, 1871; Argument of William Lawrence, on behalf of citizens of Kansas, against the claims of the Missouri, Kansas and Texas railroad company and the Leavenworth, Lawrence and Galveston railroad company, to any part of the Osage lands in Kansas, and in favor of the claims of settlers thereon; The Leavenworth, Lawrence and Galveston railroad company, appellant, *vs.* the United States, Supreme Court of the United States, October term, 1874; The Leavenworth, Lawrence, and Galveston Railroad company, and the Farmers' Loan and Trust Company, appellants, *vs.* the United States, Supreme Court of the United States, October term, 1875.

- 350 [**Lawrence, William Beach.** Treaties and the legislative authority of Congress.]

(In Wheaton, Henry. Elements of international law. 2d annotated ed. by William Beach Lawrence, p. 458-460. Boston, 1863. 8°.)

A note touching on the debates in Congress in 1796 and 1816 on the treaties with Great Britain and on the debates during the session 1853-1854 on the appropriations required for the convention then recently entered into by the President and Senate with Mexico. Public treaties. The authority required to declare a treaty no longer operative and the convention of 1831 with France are also discussed.

- 351 **Leake, Walter.** The limitations upon the treaty-making power.
Virginia law register, July, 1915, n. s. v. 15: 72-75.
- 352 **Lewis, William Draper.** Treaty powers: protection of treaty rights by federal government.
American academy of political and social science. Annals, Sept. 1909, v. 34: 313-328. **H1.A4,v.34**
- 353 [**Lincoln, Enoch**] The decision of the King of the Netherlands considered in reference to the rights of the United States and of the state of Maine.
Portland: Printed by Thomas Todd, 1831. 35 p. 8°.
"Treaty-making power," p. 13-17. "the United States have no constitutional power to deprive a state of a portion of her territory and without her consent cede that territory to a foreign power."
- 354 **Littlefield, Charles E.** Constitutional aspect of the arbitration treaties.
(In Lake Mohonk conference on international arbitration, 11th report, 1905. p. 71-79, Lake Mohonk, 1905. 22½^{cm}.)
JX1932.L3 1905
- 355 **Lodge, Henry Cabot.** The Senate.
Scribner's magazine, Nov. 1903, v. 34: 541-550. AP2.S4,v.34
Includes a summary of the development of the treaty-making power.
- 356 ——— The Senate of the United States.
(In his A frontier town and other essays, p. 56-85. New York, 1906. 21^{cm}.)
Treaty-making power, p. 79-80 **E173.L79**
- 357 ——— The treaty-making powers of the Senate.
Scribner's magazine, Jan. 1902, v. 31: 33-43. AP2.S4,v.31
Reprinted in the author's "A fighting frigate, and other essays and addresses," N. Y., 1902, and also as Senate doc. no. 104, 57th Cong., 1st sess. (Serial no. 4230). Senator Lodge sets forth his conclusions as follows:
"The results of the preceding inquiry can be easily summarized. Practice and precedent, the action of the Senate and of the Presidents, and the decision of the Supreme Court show that the power of the Senate in the making of treaties has always been held, as the Constitution intended, to be equal to and coordinate with that of the President, except in the initiation of a negotiation, which can of necessity only be undertaken by the President alone. The Senate has the right to recommend entering upon a negotiation; or the reverse; but the right it has wisely refrained exercising, except upon rare occasions. The Senate has the right to amend, and this right

it has always exercised largely and freely. It is also clear that any action taken by the Senate is a part of the negotiation, just as much so as the action of the President through the Secretary of State. In other words, the action of the Senate upon a treaty is not merely to give sanction to the treaty, but is an integral part of the treaty-making, and may be taken at any stage of a negotiation."

- 358 **Loughbridge, William.** [The rights, the powers, and the constitutional prerogatives of the House of Representatives. Speeches on the House bill making an appropriation of money to carry into effect the treaty with Russia of March 30, 1867.]

Congressional Globe, 40th Cong., 2d sess., part 4, June 30, 1868, p. 3621-3625; part 5, July 23, 1868, p. 4393-4394.

- 359 **Low, A. M.** The oligarchy of the Senate.

North American review, Feb. 1902, v. 174; 231-244.

Discusses the Senate's exercise of power over treaty making.

AP2.N7,v.174

- 360 ——— The usurped powers of the Senate.

American political science review, Nov. 1906, v. 1:1-16.

JA1.A6,v.1

- 361 **Lyman, Theodore.** The diplomacy of the United States. Being an account of the foreign relations of the country, from the first treaty with France, in 1778, to the present time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23^{cm}.

Commercial convention of 1818 with Great Britain, v. 2, p. 76-118; Convention of navigation and commerce of 1822 with France, p. 170-190; Colonial trade with Great Britain, p. 310-334.

4-20773

JX1412.L9 1828

- 362 **McCall, S. W.** The power of the Senate.

Atlantic monthly, Oct. 1903, v. 92:433-442.

"The expansion of the power of the Senate in an undemocratic as well as an unconstitutional direction is also seen in the growing tendency to pass laws, and especially taxation laws, by treaty," page 441.

AP2.A8,v.92

- 363 **Macfarland, H. B. F.** The arbitration treaties laid before the Senate last winter.

(In Lake Mohonk conference on international arbitration. Report 1905, p. 58-64. Mohonk Lake, 1905.)

JX1932.L3 1905

- 364 **Maclay, William.** *Journal of William Maclay, United States senator from Pennsylvania, 1789-1791.* Ed. by Edgar S. Maclay.

New York, D. Appleton and company, 1890. xiv p., 1 l., 438 p. front. (port.) 22½cm.

The President in the Senate chamber and early procedure in the consideration of treaties illustrated in the consideration of certain Indian treaties: p. 128-133.

9-26607

JK1036 1789d

- 365 ——— *Sketches of debate in the first Senate of the United States, in 1789-90-91.* Ed. by George W. Harris.

Harrisburg, L. S. Hart, printer, [c1880] xvii, 257 p. front. (port.) 23½cm.

The President in the Senate chamber and early procedure in the consideration of treaties illustrated in the consideration of certain Indian treaties: p. 122-126.

A13-1973

JK1036 1791

- 366 **Madison, James, pres. U. S.** *Letters and other writings of James Madison.* Published by order of Congress.

Philadelphia, J. B. Lippincott & co., 1865. 4 v. front. (port.) 24cm.

Discussions on treaties and the treaty-making power in all four volumes. See especially, Letter to Edmund Pendleton, July 2, 1791, v. 1, p. 523-526; Helvidius in answer to Pacificus, v. 1, p. 607-654; letters to Jefferson on the Jay treaty, Dec. 27, 1795, Jan. 31, March 13, April 4, April 11, April 18 and May 1, 1796, v. 2, p. 69-70, 75-76, 88-91, 94-95, 99-100; Letters to James Monroe, on the Jay treaty, Jan. 26, May 14, 1796, v. 2, p. 73, 101-102; Amendment proposed by Virginia, requiring the consent of the House of Representatives to treaties, v. 2, p. 82-83; "Treaties," v. 2, p. 260-288, (in "A memoir, containing an examination of the British doctrine, which subjects to capture a neutral trade not open in time of peace"); "Remarks on an extract from Hamilton's report, published in the Richmond Enquirer," v. 3, p. 515; Letter to George Tucker, July 6, 1833, v. 4, p. 303; Letter to Edward Coles, Oct. 15, 1834, v. 4, p. 370.

9-32150

E313.H22

- 367 ——— *Letters of Helvidius; written in reply to Pacificus, on the President's proclamation of neutrality.* Published originally in the year 1793.

Philadelphia: Printed by Samuel H. Smith, no. 118, Chestnut street, 1796. 48 p. 22cm.

9-32150

E313.H22

- 368 **Madison**, James, *pres. U. S.* The papers of James Madison, purchased by order of Congress; being his correspondence and reports of debates during the Congress of the confederation, and his reports of debates in the Federal convention; now published from the original manuscripts, deposited in the Department of state, by direction of the Joint library committee of Congress, under the superintendence of Henry D. Gilpin.

Washington, Langtree & O'Sullivan, 1840. 3 v. facsim. 24^{cm}.

See especially Madison's letter to Edmund Randolph, May, 1783, dealing largely with commercial treaties, v. 1, p. 533-538, the discussion of Jay's report on the treaty of peace, 1787, v. 2, p. 595-597, the operation of treaties on the States under the Confederation, v. 2, p. 595. 616, 635, 639, 658, 712, 729, and some portions of the debates on the Federal convention of 1787 as have to do with the treaty-making power, references to which are to be found in the index, v. 3, p. ccxxxiii-ccxxxiv.

6-17045

JK111.M2

- 369 ——— An examination of the British doctrine, which subjects to capture a neutral trade, not open in time of peace.

[*Philadelphia? 1806?*] 1 p. l., 5-204 p. 23^{cm}.

Treaties: p. 43-78.

10-17356

JX5316.M26

- 370 ——— The writings of James Madison, comprising his public papers and his private correspondence, including numerous letters and documents now for the first time printed. Ed. by Gaillard Hunt.

New York [etc.] G. P. Putnam's sons, 1900-10. 9 v. front. (port.) illus., 6 facsim. (partly fold.) 23½^{cm}.

1-20807

E302.M22

- 371 **Marshall**, John. John Marshall, complete constitutional decisions, ed. with annotations historical, critical and legal, by John M. Dillon.

Chicago, Callaghan & co., 1903, xi, [1], 799 p. front. New York [etc.] G. P. Putnam's sons, 1900-10. 9 v., front. (port.) 2 fold. facsim. 24^{cm}.

Constitutional power of the United States to acquire territory by conquest or treaty, *American Insurance company v. Canter*, p. 586-603. Various treaties with the Indians, p. 688, 703, 704, 706, 710, 711, 713; *Treaty of Holston*, p. 688, 711, 713; *Treaty of Hopewell*, p. 688. 706. 710; *Cherokee Nation v. Georgia*, p. 655-679; *Worcester v. Georgia*, p. 680-723.

3-32779

JK181.M32 1903

372 **May** the United States protect immigrants?*Outlook, May 29, 1909, v. 92:251.*

AP2.08,v.92

373 **Meier, Ernst.** Über den Abschluss von Staatsverträgen.*Leipzig, Duncker & Humblot, 1874. xviii, 368 p. 23^{cm}.*

Die Vereinigten Staaten von Nordamerika: p. 163-211.

"That a treaty cannot invade the constitutional prerogatives of the legislature is thus illustrated by a German author, who has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our own tongue. "Congress has under the Constitution the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and Senate, if the "treaty-making power" be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and the Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives . . . Congress would cease to be the law-making power as is prescribed by the Constitution; the law-making power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of Senatorial majority of two-thirds."—Cited in Wharton, Francis, "A digest of the international law of the United States," Washington, 1886. v. 2, p. 26-27.

2-18652

JX4171.T5M4

374 **Michon, Louis.** Les traités internationaux devant les chambres.*Paris, A. Chevalier-Marescq & c^{ie}, 1901. 3 p. l., 520 p. 23^{cm}.*

The treaty-making power in the United States: p. 14-15, 446-465.

3-8752

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375 **Mikell, William E.** The extent of the treaty-making power of the President and senate of the United States.*University of Pennsylvania law review and American law register, Apr. May, 1909, v. 57:435-458; 528-562.*376 **Miller, Shackelford.** Treaty-making power.*American law review, July-Aug., 1907, v. 41:527-549.*

- 377 **Miyakawa, Masuji.** Powers of the American people, Congress, President, and courts (according to the evolution of constitutional construction). 2d ed., completely rev. throughout with extensive additions.

New York, The Baker & Taylor co., 1908. xiv p., 1 l., 431 p. 23½cm.

Treaty: p. 239-266.

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JK246.M64

- 378 **Moody, William H.** Constitutional powers of the Senate: a reply.

North American review, Mar. 1902, v. 174: 386-394.

A rejoinder to the article by A. Maurice Low, in the North American review for Feb. 1902.

Treaty-making power, p. 388-389.

AP2.N7,v.174

- 379 **Moore, John Bassett.** History and digest of the international arbitrations to which the United States has been a party, together with appendices containing the treaties relating to such arbitrations, and historical and legal notes.

Washington, Gov't print. off., 1898. 6 v. fold. maps, facsim. 23cm.

"List of authorities": v. 1, p. lxxxiii-xeviii.

4-3795

JX1987.A2

- 380 ——— Report on extradition, with returns of all cases from August 9, 1842, to January 1, 1890, and an index.

Washington, Gov't print. off., 1890. 239 p. 29cm.

JX4302.1890.M72

- 381 ——— Treaties and executive agreements.

Political science quarterly, Sept. 1905, v. 20: 385-420.

1. Question as to general arbitration treaties.
2. The terms "treaty," "convention," "protocol."
3. Examples of purely executive agreements.
4. Arguments under acts of Congress: (1) Postal "treaties;" (2) Reciprocity agreements; (3) Discriminating duties, copyrights, and trade marks; (4) Indian treaties.
5. The modus vivendi.
6. The settlement of preliminary claims: (1) By treaty; (2) By executive agreement; (3) Arbitrations under executive agreements.
7. Executive enforcement of statutes and treaties.

HI.P8,v.20

JK573.1905.M6

- 382 **Morey, William Carey.** The treaty-making power and the legislative authority of the states.

Rochester, N. Y., The Genesee press [etc. 1909] 10 p. 23cm. (Post express specials, series B—no. 1)

9-18869

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- 383 **Morgan, John T.** Relations with Great Britain and Canada.
 (In Congressional record, 50th Cong., 1st sess., v. 19, pt. 9,
 Sept. 18, 1888, p. 8672-8674; Sept. 25, 1888, p. 8913-8920.)
 Senate held to have become aggressive "in its endeavor to
 control by resolutions and through the action of committees
 the whole diplomatic relations between the United States
 and foreign powers."
 J11.R5,v.19,pt.9
- 384 **Morrill, Justin S.** Reciprocity treaties.
 (In Appleton's annual cyclopædia and register of important
 events of the year 1885, p. 238-241. New York, 1886.
 25¹cm.)
 Substance of his speech delivered in the United States Senate,
 Jan. 7, 1885.
 AE5.A7 1885
- 385 ——— Reciprocity treaty with Canada. Speech in the Senate
 of the United States, February 3, 1875.
Washington: Government printing office, 1875. 22 p. 8°.
 "Constitutional objections," p. 8-12.
- 386 ——— Reciprocity treaties, so-called. Speech in the Senate,
 Jan. 7, 1885.
 (In Congressional record, 48th Cong. 2d sess., v. 16, pt. 1,
 p. 506-513.)
 Denies the constitutionality of treaties of reciprocity, and in
 support of position taken, adduces arguments from the ad-
 verse reports of Choate and Archer on the Zollverein treaty
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 J11.R5,v.16,pt.1
- 387 **Morris, Heman W.** The powers of Congress over treaties.
 (In New York state bar association. Proceedings, 1903.
 Albany, 1903. 24^{cm}. v. 26; p. 95-115.)
 ——— *Same. American law review, May-June, 1903, v.*
37:363-379.
 The treaty-making power is considered both on the historical
 and the legal side and the opinion is stated, in conclusion,
 "that a treaty will never be made by this government or
 at any rate carried into effect, so as to subvert an act of
 Congress, until it shall have received, in some manner, the
 sanction of that body; that the courts will never be called
 on to determine the force and effect of such a treaty
 upon existing laws, and that the danger of a clash between
 the treaty-making power and the legislative branch of the
 general government, while always present in theory, is to
 all intents and purposes nonexistent."

- 388 **Nelson, Henry Loomis.** Chamberlain's tripartite understanding.

Harper's weekly, Dec. 30, 1899, v. 43: 1315-1316.

In discussing "whatever understanding there may be between this country and Germany and Great Britain," the author holds that the tendency of American diplomacy will be "to avoid treaties more and more, and to work through what Mr. Chamberlain has called an understanding." The Senate is made responsible for difficulties of treaty-making.

AP2.H32,v.43

- 389 ——— A mistake of the fathers.

Harper's weekly, June 22, 1901, v. 45: 623.

Holds that "the Senate's power of ratification must be set down as one of the mistakes of the fathers."

AP2.H32,v.45

- 390 ——— The weakness of the executive power in democracy.

Harper's new monthly magazine, Jan. 1899, v. 98: 210-218.

AP2.H3,v.98

"American diplomacy," Mr. Nelson states, "has often seen its triumphs ruined by the intervention of Congress."

- 391 The obligation of treaty stipulations. The Chinese empire and the United States.

Washington law reporter, Feb. 17, 1879, v. 7: 52-53.

- 392 [Ogden, Rollo.] The graveyard of good treaties.

Nation, Mar. 15, 1900, v. 70: 199-200.

AP2.N2,v.70

On the "obscurantist and obstructionist attitude of the Senate."

- 393 [———] The paralysis of the treaty-making power.

Nation, Dec. 20, 1900, v. 71: 481-482.

AP2.N2,v.71

Senate regarded as "the great assassin of treaties."

- 394 **Paine, Robert Treat.** What ought to be done with the arbitration treaties?

(In Lake Mohonk conference on international arbitration, 11th report, 1905, p. 79-81. Lake Mohonk, 1905. 22 $\frac{1}{2}$ cm.)

JX1932.L3 1905

- 395 **Patterson, Christopher Stuart.** The constitutionality of the reciprocity clause of the McKinley tariff act.

American law register and review, Feb., 1892, v. 31 [2d ser., vol. 5], p. 65-75.

Cites numerous cases.

- 396 **Pierce, Franklin.** Federal usurpation.

New York, D. Appleton and company, 1908. xx, 437 p. 21cm.

"This book is a plea for the sacredness of the Constitution of the United States."

"Treaty power and state rights," p. 241-265.

8-4348

JK311.P5

- 397 **Powers of the states—treaty-making power.**

Yale law journal, Jan., 1918, v. 27: 406-407.

McHenry County v. Brady (N. D.)

- 398 **Putney, Albert H.** The police power of the states as restricted by the federal constitution.

Case and comment, Oct., 1913, v. 20: 310-315.

- 399 **Randolph, Carman Fitz.** The law and policy of annexation, with special reference to the Philippines, together with observations on the status of Cuba.

New York, Longmans, Green, & co., 1901. xi, 226 p. 24cm.

Treaties of annexation, p. 4-7, 59, 148; The making of a treaty, p. 13, 147; Construction of treaties, p. 16-20; Treaties subordinate to the Constitution, p. 17; Ratification of the Treaty of Paris, p. 22.

1-30526

JX4088.R3

- 400 **A review of the question, In whom has the constitution vested the treaty power? With incidental illustrations; and a short discussion of the right of the House to call on the president, in a late instance, for certain papers. By a senator of the United States.**

Philadelphia: Printed by Samuel Harrison Smith, no. 118, Chestnutstreet, 1796. 35 p. 21cm.

5-17059

JK573.1796.R5

- 401 **Robinson, Chalfant.** A history of two reciprocity treaties: the treaty with Canada in 1854, the treaty with the Hawaiian Islands in 1876, with a chapter on the treaty-making power of the House of representatives.

[New Haven, Conn., The Tuttle, Morehouse & Taylor press, 1904] 220 p. fold. map, fold. tab., diagrs. (1 fold.) 23½cm.

Bibliographies: p. 78-82, 157-160, 176.

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- 402 ——— The treaty-making power of the House of Representatives.

Yale review, Aug. 1903, v. 12: 191-203.

H1.Y2,v.12

Bibliography p. 203.

403 **Rogers, Henry Wade.** The treaty-making power.

American bar association. Report of the sixteenth annual meeting . . . 1893, p. 243-269. Philadelphia, 1893. 8°.

Am. Ins. Co. v. Canter, 1 Peters, 511, 542. Limitations of Congress in enacting laws, Marbury v. Madison, 1 Cranch 137. Case of a treaty contrary to the laws of the British Constitution. The Parlement Belge, L. R., 4 P. D., 154. Power to declare treaties void, Ware v. Hylton, 3 Dallas, 199, 237.

Cases cited: A treaty which should invade in any way the reserved rights of the States would be unconstitutional, Prevost v. Guneau, 19 How. 7. The government of the Union "possesses the power of acquiring territory either by conquest or treaty," Marshall, C. J.

404 **Rüttimann, Johann Jakob.** Das nordamerikanische Bundesstaatsrecht verglichen mit den politischen Einrichtungen der Schweiz.

Zürich, Orell Füssli und comp., 1867-1872. 2 v. in 1. 22½cm.

"Die Vertretung der Union gegenüber dem Auslande," Th. 1, p. 291-303. "Die Ordnung der äussern Angelegenheiten," Th. 2. Abth. 1, p. 1-29. "Die Ordnung des Handels mit dem Auslande," Th. 2, Abth. 1, p. 13-24.

CA 10-3714

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405 **Schuyler, Eugene.** American diplomacy and the furtherance of commerce.

New York: Charles Scribner's sons, 1886. xiv, 469 p. 8°.

Treaty power in the Senate and House, p. 22.

Commercial treaties, p. 421-457.

JX1407.S3

406 **The Senate** and the treaties.

Nation, May 30, 1872, v. 14: 348-349.

AP2.N2,v.14

On "complications between the Senate and the Executive" which "affect foreign nations and bring discredit on us in our international relations." The "Reverdy-Johnson treaty," the "Danish-Island treaty," and the "Washington treaty" used as "three striking illustrations of the inconveniences of our mode of dealing with foreign affairs."

407 **The Senate** as treaty-maker.

Nation, Jan. 30, 1902, v. 74: 84-85.

AP2.N2,v.74

A criticism of Senator Lodge's article in Scribner's magazine for Jan., 1902, on "The treaty-making powers of the Senate."

408 Spear, Samuel T. The conflict of treaties and laws.

Albany law journal, Sept. 18, 1880, v. 22: 226-229.

Authorities quoted: Writings of Madison, vol. 1, page 524.

Works of Hamilton, vol. 7, page 512. Rawle on the Constitution, page 56. Attorney-Gen. Crittenden, 5 Op. Att.-Gen., 345. Attorney-Gen. Cushing, 6 Op. Att.-Gen., 293. Attorney-Gen. Ackerman, 13 Op. Att.-Gen., 357. Chancellor Kent "overstates the matter" in Com. (3d ed.), vol. 1, page 166.

Cases cited: *The United States v. The Schooner Peggy*, 1 Cranch, 103; *Foster v. Neilson*, 2 Pet., 253; *The Clinton Bridge*, 1 Wool., 150; *Ropes et al. v. Clinch*, 8 Blatchf., 304; *Taylor et al. v. Morton*, 2 Curtis 454; *The Cherokee Tobacco case*, 11 Wall, 616.

409 — Congress and the treaty power.

Albany law journal, Aug. 14, 1880, v. 22: 126-129.

Chancellor Kent on a treaty requiring the payment of money: Kent's Com. (3d ed.) vol. 1, pp. 165, 166; On the obligatory nature of a treaty with respect to the House of Representatives: *id.* page 286. ("On the President.")

Chancellor Kent holds (1) That every treaty made by the President of the United States with the consent and approval of the Senate, is, *ipso facto*, a supreme law of the land; (2) That if any legislative action on the part of Congress is necessary, it is the duty of Congress to supply this legislation. In regard to the matter involved in both of these propositions, see McLean, Mr. J., in *Turner v. American Baptist Missionary Union*, 5 McLean, 344. View opposite to that held by Chancellor Kent.

Compare also the following: Marshall, C. J., in *Foster v. Neilson*, 2 Pet, 253, referred to and reaffirmed in the *United States v. Arredondo* 6 Pet., 691, and again reaffirmed in the *United States v. Perecheman*, 7 Pet., 51. Oppose the view of Chancellor Kent. See also, *The Matter of Metzger*, 1 Barb., 248, in which Judge Edmonds repeats the opinion stated by Chief Justice Marshall. Judge Edmonds's decision rendered in 1847, was followed by an act of Congress in 1848, "Giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders," 9 U. S. Stat. at Large, 302. Qualification to the treaty making power given in Lawrence's *Wheaton*, page 457.

1816. Debate in the Senate on the treaty making power. Senator Macon of North Carolina, in Benton's *Abridgement*, vol. 5, page 456. Senator Campbell, of Tennessee, *id.* page 458. *Ulpian*: "He who contracts with another knows or ought to know his condition."

Treaty making power can not subvert the Constitution:—Story's *Const.* §1508.

Power to annul and abolish a treaty belongs to Congress. Congress, in 1798, abolished all existing treaties between the United States and France. 1 U. S. Stat. at Large, 578. Legal omnipotence of treaties, as Blackstone held the doctrine, is not compatible with the distribution of powers made by the Constitution of the United States, and does not accord with the modern practice of Great Britain in making treaties.

See Todd's Treatise upon Parliamentary Government in England, vol. 1, page 610, on the power of Parliament in the matter of treaty making. Refers to any proposition that may be made to change existing tariffs, etc.

410 **Spear, Samuel T.** The legal operation of treaties.

Albany law journal, Sept. 11, 1880, v. 22: 206-210.

Treaties of the United States are part of "the supreme law of the land."

- (1) Treaties are equal in rank to the laws of Congress. Courts must take notice of them: Story, J., in *Martin v. Hunter's Lessee*, 1 Wheat., 304. Rank of treaties: Marshall, C. J., *The United States v. The Schooner Peggy*, 1 Cranch, 103; Marshall, C. J., *Foster v. Neilson*, 2 Pet., 253.
- (2) This judicial notice extends to treaties which preceded the adoption of the Constitution as well as those made since its adoption, and also to treaties with the Indian tribes, as well as to those with foreign nations: Chase, Mr. J., in *Ware v. Hylton*, 3 Dall., 199; Marshall, C. J., *Worcester v. The State of Georgia*, 6 Pet., 515; McLean, Mr. J., *Turner v. The American Baptist Missionary Union*, 5 McLean, 344.
- (3) "Cases in law and equity" arising under treaties of the United States are such, and such only, as involve rights that directly grow out of or are directly protected by these treaties: Marshall, C. J., in *Owings v. Norwood's Lessee*, 5 Cranch, 344; *Henderson v. Tennessee*, 10 How. 311; *Gill v. Oliver's Executors*, 11 *id.* 529; and *Verden v. Coleman*, 1 Black, 472.
- (4) The construction of treaties, considered as laws affecting rights as between individuals is exclusively a judicial function: Grier, Mr. J., in *Wilson v. Wall*, 6 Wall., 83; Story, Mr. J., *The Amiable Isabella*, 6 Wheat., 1; Daniel, Mr. J., *United States v. D'Auterive*, 10 How. 609; Story, Mr. J., *The United States v. The Armistad*, 15 Pet., 518.
- (5) Rights of property acquired and vested under treaties are not divested by their termination even by war: Washington, Mr. J., in *The Society v. New Haven*, 8 Wheat., 464; *Meade v. The United States*, 2 Ct. of Cl. 224.
- (6) Treaties, regarded simply as contracts between the governments making them, take effect at and from the date of their signature, unless they otherwise stipulate; but considered as laws affecting the rights of citizens of the United States, they do not take effect until ratified and proclaimed: *Davis v. The Police Jury of Concordia*, 9 How. 280; *The*

United States v. Arredondo, 6 Pet., 691; Haver v. Yaker, 9 Wall., 32.

- (7) The competency of the contracting parties to make a treaty is not a question into which courts can inquire as a condition precedent to regarding it as a law: Taney, C. J., in *Doe v. Braden*, 16 How., 635; *Fellows v. Blacksmith*, 19 How., 366.
- (8) Treaties that require no legislation on the part of Congress to carry them into effect have the character of supreme laws when ratified and proclaimed; but if they require such legislation for their execution, then they are not a rule for courts until the necessary legislation has been supplied: Marshall, C. J., in *Foster v. Neilson*, 2 Pet., 253; McLean, Mr. J., in *Turner v. The American Baptist Missionary Union*, 5 McLean, 344.
- (9) Treaties of the United States abrogate all provisions in State Constitutions or laws in conflict therewith: *Ware v. Hylton*, 3 Dall., 199. See 8 U. S. Stat. at Large, 80; *Owings v. Norwood's Lessee*, 5 Cranch, 344; *Fairfax's v. Devisee v. Hunter's Lessee*, 7 *id.* 603; *Gordon's Lessee v. Halliday*, 1 Wash., 291; and *Fisher v. Harden*, 1 Paine, 55. Duty of state judges to regard the treaties of the United States as supreme laws and the same duty is devolved on the National judiciary.
- (10) The constitutional validity of treaties, considered as municipal laws, is a question which courts, with proper cases before them, are authorized to consider and determine: *Marbury v. Madison*, 1 Cranch, 137 (The Constitution itself is in *all* cases the paramount authority, and no law in conflict with the Constitution can bind any court, whether State or National.) *Doe v. Braden*, 16 How., 635; *The Cherokee Tobacco Case*, 11 Wall., 616. In this connection, see also Sec. 709 of the Revised Statutes of the United States.

411 Spear, Samuel T. The treaty power.

Albany law journal, Aug. 7, 1880, vol. 22: 107-109.

Power to make treaties, Art. 2, sec. 2 of the Constitution, interpreted: By Taney, C. J., *Holmes v. Jennison*, 14 Pet., 540; by Story, J., *Story's Const.*, §1508. Treaties must be consistent with the several provisions of the Constitution: *Story's Const.*, §1508; *Miller, J.*, *The Loan Association v. Topeka*, 20 Wall., 655; *People v. Gerke*, 5 Cal., 381; *Pierce v. State*, 15 N. H., 336. Some treaties are self-operative. They act directly, *proprio vigore*: Marshall, C. J., *Foster v. Neilson*, 2 Pet., 253; *Iredell, J.*, *Ware v. Hylton*, 3 Dall., 199. Some treaties are not self-operative. They require legislative action in order to carry them into effect. Hence they are contracts *in futuro*. A stipulation for the payment of money to a foreign nation presents a case of this kind. See Constitution, Art. 1, sec. 9, in this connection.

Two theories as to the obligation to make appropriations:

- (1) Treaty being the supreme law of the land, Congress

has no discretion in the matter; (2) Treaty not complete, when appropriation is involved, until Congress has rendered it so by appropriation. Debates on conflicting theories:

- (1) *Jay treaty, 1796*. Debate continued daily 7th of March to the 7th of April. See the resolution, Benton's Abridgement, vol. 1, page 696.
- (2) *Commercial treaty between the United States and Great Britain. Ratified, Dec. 22, 1815*: 8 U. S. Stat. at Large, 228. Debates in the House of Representatives, in 1816. See Benton's Abridgement, vol. 5, pp. 446-546. Also, 3 U. S. Stat. at Large, 255. Same ground covered as in the debate of 1796.
- (3) *1844*. President Tyler. Treaty negotiated with Prussia and the other states of the Germanic Association of Customs and Commerce. Rejected by the Senate. Adverse report of the Senate Committee on Foreign Relations through Senator Choate. Control of trade belongs to Congress.
- (4) *1875*. President Grant. Commercial treaty negotiated with Hawaii. 19th U. S. Stat. at Large, 625. Congress, Aug. 15, 1876, passed an act to give effect to the convention. 19th U. S. Stat. at Large, 200. Discussion in the House on the relation of Congress to the treaty power. In 1876, by virtue of the fifth article of the treaty, there was really no necessity for the discussion of the constitutional question. This article provided that the treaty should not take effect until a law to carry it into operation had been passed by the Congress of the United States.

412 **Stidham, Mrs. Clara Hannah (Kerr)**. The origin and development of the United States Senate.

Ithaca, N. Y., Andrus & Church, 1895. vi, 197 p. 24cm.

"List of works cited": p. 181-184.

Treaties, plan of Hamilton for, p. 7; proposal to give to the Senate the power to negotiate, p. 8; power to negotiate given to the President and two-thirds of the Senate, p. 8; rule imposing secrecy on, p. 99; removal of injunction of secrecy from, p. 101, 135-158; secrecy on treaties, p. 135; manner of framing, p. 136-140; consultation of the Senate prior to the negotiation of, p. 139-143; appointment of special agents to negotiate, p. 143-144; influence of the Senate in the negotiation of, p. 144-145, 153; abrogation of, p. 146-147; share of the House in, p. 148-151; 157-158; repeal of laws by stipulations of a treaty, p. 151; acquisition of territory by, p. 151-155; previous appropriations for the negotiation of a treaty, p. 152-153; commercial regulations in, p. 155-157; with the Indians, considered in open session, p. 136; ratification of Indian, p. 139-140; share of House in Indian, p. 148-149; law forbidding the negotiation of Indian, p. 149.

8-31787

JK1166.S82

- 413 **Story, Joseph.** Life and letters of Joseph Story. Edited by his son, William W. Story.
Boston: Charles C. Little and James Brown, 1851. 2 v. front. (port.). 8°.

Power of ceding territory by treaty, v. 2, p. 286-289.

- 414 **Taylor, Hannis.** The growth of Hague ideals.
American law review, Jan.-Feb., 1906, v. 40: 1-8.

Discusses the treaty-making power as regards arbitration.
 Argues the right of the President, by and with the advice and consent of the Senate, to make such a treaty.

- 415 **Teller, Henry M.** Power of Congress over treaties.

(*In Congressional record, 60th Cong. 1st sess., v. 42, pt. 7: 6461-6463.*)

A brief with regard to the power of Congress to abrogate treaties by an act inconsistent with the treaty. "That Congress can repeal a treaty with a foreign power by an act can not be questioned, considering the many decisions of cases to that effect."

J11.R5,v.42,pt.7

- 416 **Thompson, B. M.** The power of the Senate to amend a treaty.
Michigan law review, Apr., 1905, v. 3: 427-441.

"The Constitution gives the President power to make treaties by and with the advice and consent of the Senate. The President has the right to have the very treaty made by him approved or rejected. When the Senate amends no action is taken upon the treaty in the form submitted and the Constitution is thereby violated in spirit if not in the letter. In assuming to amend a treaty, the Senate exercises a power not delegated to the Senate and expressly conferred upon the President."

- 417 **Treaties** by government with Indians within State boundaries.
Albany law journal, Dec. 9, 1876, v. 14: 393-394.

- 418 **Treaties** in the House.

Nation, Dec. 18, 1884, v. 39: 516-517.

On the commercial treaty question then pending.

AP2.N2,v.39

- 419 **Treaty-making** power.

American economist, Feb. 14, 1902, v. 29: 75.

HC101.A5,v.29

- 420 **The treaty-making** power.

Spectator, Dec. 29, 1900, v. 85: 959-960.

AP4.S7,v.85

Contrasts the treaty-making power of the United States and France, with a verdict in favor of France.

421 Treaty tariffs.

Protectionist, Apr., 1902, v. 13:673-682. HF1750.P8,v.13

An editorial on Senator Cullom's speech of Jan. 29, 1902.

422 Tucker, Henry St. George. Limitations on the treaty-making power under the Constitution of the United States.

Boston, Little, Brown, and company, 1915. xxi, 444 p. 24½cm.

15-8092

JK570.T8

Reviewed in American political science review, Aug. 1915, v.

9: 595-598.

JA1.A6,v.9

423 — The treaty-making power under the Constitution. Article on the treaty-making power under the Constitution of the United States.

Washington, Govt. print. off., 1914. 11 p. 23½cm. (U. S. 63d Cong., 2d sess. Senate. Doc. 539)

14-30592

JK573.1914.T7

Also published in North American review, Apr. 1914, v. 199:

560-572.

AP2.N7,v.199

424 — The treaty making power under the constitution of the Confederate states of America.

Virginia law review, May, 1914, v. 1: 596-603.

425 U. S. Bureau of statistics (Treasury dept.) Reciprocity treaties and agreements between the United States and foreign countries since 1850. (From the Summary of commerce and finance for Sept. 1901).

[Washington, Govt. print. off., 1901.] iii, 939-968 p.

426 — Reciprocity treaties and agreements between the United States and foreign countries since 1850.

(In U. S. Bureau of statistics (Treasury dept.) Monthly summary of commerce and finance of the United States, Aug., 1904, p. 525-558.)

HF105.A5

427 — Congress. House. Bills for raising revenue. Report [from] the committee of conference on the part of the House, charged with the duty of conferring with the conference committee appointed by the Senate to consider the question of privilege raised by the resolution of the House adopted January 27, 1871, in reference to Senate bill (S. 1083) "to repeal so much of the act approved July 14, 1870, entitled 'An act to reduce internal taxes, and for other purposes,' as continues the income tax after

the 31st day of December, Anno Domini 1869." Feb. 27, 1871.

[*Washington, 1871*] 13 p. 23^{cm}. (41st Cong., 3d sess. House. Report 42.) Serial no. 1464

"The Senate conferees submitted a number of citations of laws originating in the Senate, which they claimed as precedents favoring the action of the Senate on the bill, which is the subject of the present difference.

"The committee have carefully examined these precedents, and do not see in them any argument to sustain the Senate views. They seem to be, generally, bills intended to carry out, in good faith, treaty stipulations and commercial regulations arising under treaties with foreign countries. It is true that two of the acts cited reduced existing rates of duty, which reduction was acquiesced in by the House without raising the question of power. But it seems to your committee that one or two instances of waiver cannot be considered as a surrender, on the part of the House, of a great constitutional privilege," p. 10.

"It seems clear to your committee, therefore, that the only way to preserve, in its fullness, the power to originate bills for raising revenue, is to insist upon the right of the House to originate all bills relating directly to the revenue, whether imposing or remitting taxes; that the House should, in the first instance, be the judge of the manner, the measure, and the time of such impositions or remissions." p. 12.

428 U. S. Congress. House. Committee on foreign affairs. The treaty-making power. Report (H. Res. 132) relating to the treaty-making power. Feb. 14, 1881.

[*Washington, 1881.*] 4 p. 23^{cm}. (46th Cong., 3d sess., House. Rept. 225.) Serial no. 1982

"This resolution affirms that the treaty-making power of the United States 'does not extend to treaties which affect the revenue, or require the appropriation of money to execute them; but that in such cases the consent of the law-making power of the Government is required, which includes, as one of its branches, the House of Representatives . . . The resolution under consideration—House joint resolution 132—affirms a proposition which, under existing constitutional provisions, can not be sustained. Your committee therefore recommend that the same be not adopted."

Minority report accompanying.

429 ————— Reciprocity treaty between United States and British provinces. Report [from] the committee on foreign affairs, to whom was referred the joint resolution for the appointment of commissioners to ascertain and re-

port a basis for a reciprocity treaty between the United States and the British provinces. April 23, 1880.

[*Washington, 1880.*] 5 p. 23^{cm}. (46th Cong., 2d sess., *House Report 1127.*) Serial no. 1937

"It is unnecessary to discuss here the question of whether a commercial treaty can be made, as such, not only because this is simply a resolution of information, but because no one has ever disputed that a treaty affecting the tariff could be made by the President and Senate, if the House of Representatives consented thereto. Furthermore, all discussions of treaty powers of the different branches of the government and all questions of treaties may be avoided because if any reciprocal trade can be established with Canada it could be established either by a treaty with the consent of the House or by mutual law in the nature of a tariff law fixing the terms of interchange of commodities between the two countries."

- 430 ———— Reciprocity treaty between the United States and the British provinces. Views of the minority. June 7, 1880.

[*Washington, 1880.*] 20 p. 23^{cm}. (46th Cong., 2d sess., *House Report 1127, pt. 2.*)

"This House ought, therefore, to insist that any scheme of commercial intercourse with other nations involving customs dues should be initiated, or at all events thoroughly discussed and agreed to, by itself. They should be fixed, not by treaty, but by bill."

- 431 ———— North German Confederation treaty. Report as to giving notice to the North German Confederation to terminate the treaty of February 22, 1868 (commonly known as the naturalization treaty), Feb. 17, 1885.

[*Washington, 1885.*] 7 p. 23^{cm}. (48th Cong., 2d sess., *House Report 2590.*) Serial no. 2328

- 432 ———— *Committee on the judiciary.* Power of the President to negotiate treaties with foreign governments. Report [by J. R. Tucker] Mar. 3, 1885.

[*Washington, 1885.*] 20 p. 23^{cm}. (48th Cong., 2d sess., *House. Rept. 2680.*) Ser. no. 2330

On Jan. 15, 1884, the House agreed to a resolution directing the Judiciary committee "to report to the House whether the President, by and with the advice and consent of the Senate, can negotiate treaties with foreign governments by which the duties levied by Congress on importations can be changed or abrogated.

At this time the reciprocity treaty with Mexico, concluded Jan. 20, 1883, was pending, and when the Judiciary com-

mittee reported Mar. 3, 1885, a treaty with Spain for reciprocity with Cuba and Porto Rico had been concluded Nov. 18, 1884, and a reciprocity treaty with the Dominican Republic, Dec. 4, 1884, while a treaty had been concluded with the Hawaiian Islands, Dec. 6, 1884, extending the reciprocity treaty of 1875 for a further term of seven years.

The report of the Committee reads in conclusion: "Your committee have thus considered the question on the true interpretation of the language of the Constitution; upon the construction of the Government itself; on the historic development of the Constitution from its British original through the Articles of Confederation to its present form; on analogy to the British prototype; on precedents and the authority; and have come to the conclusion expressed in the following resolution, which, though the discussion has taken a wider range, is confined to the question submitted by the resolution referred to the committee: '*Resolved*, That the President, by and with the advice and consent of the Senate, can not negotiate treaties with foreign Governments by which the duties levied by Congress can be changed or abrogated, and such treaties to be operative as law must have the sanction of an act of Congress.'"

- 433 U. S. Congress. House. Committee on ways and means. Report concerning reciprocity and commercial treaties.

Washington, Gov't. print. off., 1896. 643 p. 23½^{cm}. (54th Cong., 1st sess. House. Rept. 2263) Serial no. 3466

Constitutionality of reciprocity legislation, p. 17-19. Abstract of the decision of the Supreme Court on the constitutionality of the reciprocity section of the tariff act of 1890, p. 18-19.

8-28587

HF1731.A5 1896

- 434 ——— Congress. Senate. Precedents relating to the privileges of the Senate of the United States. Comp. by George P. Furber, clerk to the Committee on privileges and elections.

Washington, Gov't. print. off., 1893. 350 p. 23½^{cm}. (52d Cong., 2d sess. Senate. Mis. doc. 68)

Secret sessions for the consideration of treaties and confidential communications: p. 6-10; Right to demand papers in the executive files: p. 232-272.

7-4615

JK1170.A4

- 435 ——— Committee on foreign relations. Compilation of reports of Committee. 1789-1901, First Congress, first session, to Fifty-sixth Congress, second session.

Washington, Gov't. print. off., 1909. 8 v. pl., maps, plans, diagr. 23^{cm}. (56th Cong., 2d sess. Senate. Doc. no. 231, pts 1-8)

Treaties in all volumes; Reciprocity treaties in v. 5 and 8.

2-10168

JX234.A2

- 436 U. S.—*Congress. Senate. Committee on foreign relations.*
Jurisdiction of the Senate to act upon reciprocity treaties.
Report from the committee on foreign relations. Dec.
15, 1902.

[*Washington, 1902.*] 3 p. 23^{cm}. (57th Cong., 2d sess. *Senate Doc. 47.*)
Serial no. 4420

A subcommittee of the committee on foreign relations made the recommendation, which was adopted by the full committee, that without reference to the merits thereof, each of the reciprocity treaties under consideration be amended by the insertion of the following additional provision, "This treaty shall not take effect until the same shall have been approved by the Congress."

- 437 ——— 38th Cong., 2d sess. The Congressional Globe.

Washington: Congressional Globe office, 1865. 2pts. 4°.

During the second session of the thirty-eighth congress a joint resolution was passed authorizing the President to terminate the Canadian reciprocity treaty and to appoint commissioners to negotiate a new treaty. During the discussion of the subject in the Senate, Mr. Collamer (p. 209-210) held that the Canadian treaty was in conflict with the revenue-raising clause of the Constitution, and Mr. Howe (p. 211-212) took issue with this view.

- 438 ——— 46th Cong., 2d sess. Congressional record, vol. 10,
[Pt. 1.]

Washington: Government printing office, 1880. 4°.

The House Jan. 26, 1880, adopted the following resolution introduced by Mr. Kelley: "Resolved, That it is the sense of this House that the negotiation by the executive department of the Government of a commercial treaty whereby the rates of duty to be imposed on foreign commodities entering the United States for consumption should be fixed would, in view of the provision of section 7 of article 1 of the Constitution of the United States, be an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives," p. 394-395, 532.

JK11.R5,v.10, pt.1

- 439 ——— 60th Cong., 1st sess., 1907-1908. *Senate.* Power of Congress over treaties . . . Extracts from briefs.

[*Washington, Gov't print. off., 1908*] 7 p. 23^{cm}. (60th Cong., 1st sess. *Senate, Doc. 487.*)
Serial no. 5266

8-35476

JK1081.A5 1908

- 440 U. S. *Dept. of state. Digest of the published opinions of the attorneys-general, and of the leading decisions of the federal courts, with reference to international law, treaties, and kindred subjects. Rev. ed.*

Washington, Govt. print. off., 1877. vii, 290 p. 23^{cm}. (44th Cong., 2d sess. Senate. Ex. doc. 46)

Pref. signed: John L. Cadwalader, Department of state.

Treaties: p. 227-234; Treaties with particular states: p. 235-264.

9-7613

JX237.A48 1877

- 441 ——— The diplomatic correspondence of the American revolution; being the letters of Benjamin Franklin, Silas Deane, John Adams, John Jay, Arthur Lee, William Lee, Ralph Izard, Francis Dana, William Carmichael, Henry Laurens, John Laurens, M. de Lafayette, M. Dumas, and others, concerning the foreign relations of the United States during the whole revolution; together with the letters in reply from the secret committee of Congress, and the secretary of foreign affairs. Also, the entire correspondence of the French ministers, Gerard and Luzerne, with Congress. Pub. under the direction of the President of the United States, from the original manuscripts in the Department of state, conformably to a resolution of Congress, of March 27th, 1818. Ed. by Jared Sparks.

Boston, N. Hale and Gray & Bowen; New York, G. & C. & H. Carvill; [etc., etc.] 1829-30. 12 v. 21½^{cm}.

5-13517

E249.U581

- 442 ——— The diplomatic correspondence of the American revolution. Ed. by Jared Sparks. New ed.

Washington, J. C. Rives, 1857. 6 v. 23½^{cm}.

The same correspondence, with Sparks' omissions supplied, was published under direction of Congress by Francis Wharton as "The revolutionary diplomatic correspondence of the United States," Washington, 1889.

11-11013

E249.U582

- 443 ——— The revolutionary diplomatic correspondence of the United States. Ed. under direction of Congress by Francis Wharton, with preliminary index, and notes historical and legal. Pub. in conformity with act of Congress of August 13, 1888.

Washington, Govt. print. off., 1889. 6 v. 24^{cm}. (50th Cong., 1st sess. House. Mis. doc. 603)

Published as a supplement to Wharton's Digest of the international law of the United States, taken from documents

issued by presidents and secretaries of state [etc.] Washington, 1886.

Correspondence from the records of the Department of state, from family archives and from published memoirs. Designed to correct, complete and enlarge the Diplomatic correspondence of the American revolution, Boston, 1829-1830, published by Jared Sparks under direction of Congress.

"A brief sketch of the life of Francis Wharton. By John Bassett Moore" : v. 1, p. xi-xxvii.

See Index under Treaties; Treaty of Commerce; Treaty of peace, v. 6, p. 992.

5-17851

E249.U583

- 444 U. S. *Dept. of state.* Foreign trade and treaty regulations. Letter from the acting secretary of the Treasury, transmitting a copy of a communication from the secretary of state, submitting an estimate of appropriation for expenses in connection with foreign trade and treaty regulations.

[*Washington, Govt. print. off., 1909?*] 4 p. 23^{cm}. (61st Cong., 2d sess. *House. Doc. 258.*)

10-35240

HF3029.A5 1909a

- 445 ——— *Laws, statutes, etc.* Indian affairs. Laws and treaties. Comp. and ed. by Charles J. Kappler.

Washington, Govt. print. off., 1903-13. 3 v. 29½^{cm}.

Vol. I-II: 57th Cong., 1st sess. Senate. Doc. 452; vol. III: 62d Cong., 2d sess. Senate. Doc. 719.

CONTENTS.—I. Statutes, executive orders, proclamations, and statistics of tribes. Comp. to December 1, 1902.—II. Treaties.—III. Laws. Comp. to December 1, 1913.

3-13067

E93.U6995

- 446 ——— *Tariff commission.* Reciprocity and commercial treaties.

Washington, Govt. print. off., 1919. 535 p. incl. tables. diags. (1 fold.) 25^{cm}.

"The commission has had the services, among others, of Stanley K. Hornbeck, Jacob Viner, Clive Day, and Walter B. Palmer, in the preparation of this report."—"Foreword," p. 5.

19-26329

HF1731.A5 1919a

- 447 ——— Summary of the report on reciprocity and commercial treaties with conclusions and recommendations of the commission.

Washington, Govt. print. off., 1919. 46 p. 23^{cm}.

19-26285

HF1731.A5 1919

- 448 U. S. *Treaties, etc.* A compilation of all the treaties between the United States and the Indian tribes, now in force as laws. Prepared under the provisions of the act of Congress, approved March 3, 1873.
Washington, Govt. print. off., 1873. 1075 p. 28^{cm}.
 Treaties arranged alphabetically by tribes.
 9-3113 E95.U545
- 449 ———— Compilation of treaties in force. Prepared under act of July 7, 1898.
Washington, Govt. print. off., 1899. xviii, 779 p. 23^{cm}.
 Comp. by Henry L. Bryan, and pub. under the direction of the Committee on foreign relations, United States Senate.
 Issued also as House doc. 276, 55th Cong., 3d sess.
 1-9605 JX236 1899
- 450 ———— Compilation of treaties in force. Prepared under resolution of the Senate, of February 11, 1904.
Washington, Govt. print. off., 1904. 996 p. 23½^{cm}. (58th Cong., 2d sess. Senate. Doc. no. 318.)
 Revised ed. Prepared under the direction of the Committee on foreign relations, United States Senate, by William M. Malloy.
 5-19323 JX236 1904
- 451 ———— List of arbitration treaties and conventions submitted to and acted upon by the United States Senate.
Washington [Govt. print. off.] 1912. 7 p. 23½^{cm}. (62d Cong., 2d sess. Senate. Doc. 373)
 12-35341 JX1987.A4 1912
- 452 ———— Treaties and conventions concluded between the United States of America and other powers, since July 4, 1776. With notes showing what treaties or parts of treaties have been abrogated, and decisions thereupon.
Washington, Govt. print. off., 1871. 912 p. 23^{cm}. (41st Cong., 3d sess. Senate. Ex. doc. 36.)
 Incomplete; without the notes.
 9-9831 JX236 1871
- 453 ———— Treaties and conventions concluded between the United States of America and other powers, since July 4, 1776. Rev. ed. Containing notes, with references to negotiations preceding the several treaties, to the executive, legislative, or judicial construction of them, and to the causes of the abrogation of some of them; an appendix showing the treaties concluded subsequently to those contained in the text, and a correction of errors and omis-

sions; a chronological list of treaties; an analytical index; and a synoptical index.

Washington, Govt. print. off., 1873. 1167 p., 1 l. 22½cm.

Preface signed: J. C. Bancroft Davis, Department of state.

"The original edition . . . was printed as Senate executive document, no. 36, Forty-first Congress, third session."

(Some incomplete copies of the first edition of the compilation, got into circulation. The notes and indexes were also issued in separate form) Contains notes by J. C. Bancroft Davis. Discussion on the treaty-making power in Introductory note, p. 931-944. Constructions by the attorneys-general and courts of the United States, p. 941-942; Discussions in Congress of the treaty power under the Constitution, p. 942-944.

11-33794

JX236 1873

- 454 U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers since May 1, 1870. Not contained in Senate executive document no. 36, 41st Congress, 3d session, with some notes in reference thereto.

Washington, Govt. print. off., 1876. 1 p. l., p. [1085]-1324. 23cm.

Pref. signed: John L. Cadwalader, Department of state.

"Notes upon treaties and conventions concluded between the United States and foreign powers since May 1, 1870, and upon the construction thereof, with some references to recent constructions of the foreign treaties of the United States, and to late judicial decisions relating thereto, and to the causes of abrogation of some of the same," p. 1205-1229.

10-16571

JX236 1876

- 455 ———— *Treaties and conventions concluded between the United States of America and other powers since July 4, 1776; containing notes, with references to negotiations preceding the several treaties, to the executive, legislative, or judicial construction of them, and to the causes of the abrogation of some of them; a chronological list of treaties; and an analytical index.*

Washington, Govt. print. off., 1889. viii, 1434 p. 23cm. (48th Cong., 2d sess. Senate. Ex. doc. no. 47)

Compiled by John H. Haswell for the Department of state.

The notes by Mr. Davis, as given in the earlier edition of this compilation are likewise given in this work, while additional notes given are placed in brackets. Discussion of the treaty-making power in Introductory note, p. 1219-1230; Constructions by the attorneys-general and courts of the United States, p. 1227-1229; Discussions in Congress of the treaty power under the Constitution, p. 1229-1230. The text of the treaties of the United States is also printed in the U. S. Statutes at Large.

4-3856

JX236 1889

- 456 U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers. Supplementary to the Department of state publication of 1889.

[*Washington*] *Navy department, Bureau of equipment, 1897. iv, [328] p. 23^{cm}.*

Various paging.

Treaties and conventions dating from Dec. 5, 1885 to Jan. 13, 1897.

11-34326

JX236 1897

- 457 ———— Treaties, conventions, international acts, protocols and agreements between the United States of America and other powers. 1776-1909. Comp. by William M. Malloy under resolution of the Senate of January 18, 1909 (Res. no. 252, Sixtieth Congress, second session) ...

Washington, Govt. print. off., 1910. 2 v. 23½^{cm}. (61st Cong., 2d sess. Senate. Doc. 357)

Prepared under the direction of the Committee on foreign relations, United States Senate.

The Department of state cooperated with the compiler in the preparation of this compilation.

————— Supplement, 1913, to Senate document no. 357, Sixty-first Congress, second session, comp. by Garfield Charles. vol. III.

Washington, Govt. print. off., 1913. 181, xiv, 183-443, viii p. 23^{cm}. (62d Cong., 3d sess. Senate. Doc. 1063)

CONTENTS.—pt. I. Conventions in force.—pt. II. Conventions not in force.

10-35763

JX236 1910

Serial no. 5646, 5647

- 458 ———— Treaties between the United States of America and the several Indian tribes, from 1778 to 1837: with a copious table of contents. Compiled and printed by the direction, and under the supervision, of the commissioner of Indian affairs.

Washington, D. C., Langtree and O'Sullivan, 1837. 1 p. l., [v]-lxxxviii, 699 p. 23½^{cm}.

8-20225

E95.U556

- 459 Viallate, Achille. Le président Roosevelt et le sénat américain.

Revue politique et littéraire (Revue bleue) Feb. 25, 1905, 5. sér., v. 3:243-245.

AP20.R64,5. sér.,v.3

Considerations regarding the arbitration treaties and the treaty with Santo Domingo.

- 460 **Virginia** law register. [Editorial.] Can an unconstitutional law be made constitutional by a treaty? Migratory bird law.

Virginia law register, Aug. 1918, n. s. v. 4: 305-307.

- 461 **Webster, Daniel**. [Letter to Mr. Everett, Nov. 25, 1842.]

(*In* Curtis, George Ticknor. *Life of Daniel Webster*, v. 2, p. 173-175. New York, 1870. 23^{cm}.)

Commercial treaties, p. 174.

E340.W4C92,v.2

- 461a **Wells, William V.** The life and public services of Samuel Adams . . .

Boston, Little, Brown and co., 1866. 3 v. fronts. facsim. 27½cm.

Conflict between the treaty-making power of the President and Senate and the authority of the House, v. 3, p. 355-356.

13-14097

E302.6.A2W42

- 462 **Wheeler, Everett P.** The treaty-making power of the government of the United States in its international aspects.

Yale law journal, Jan., 1908, v. 17: 151-161.

Considers the limits to the treaty-making power and also the duty of Congress in reference to the enforcement of the provisions of a treaty.

- 463 **Whitney, Edward B.** The reciprocity acts of 1890—Are they constitutional?

American register and law review, Mar., 1892, v. 31, (2d ser. v. 5): 173-188.

The two acts in question: Food act of August 19, 1890. §5; McKinley Tariff Act of October 1, 1890. §3. Constitutionality of second decided after writing of this article, Feb. 29, 1892. (Boyd, Sutton & co. v. U. S.; H. Herrman Sternbach & co., v. U. S., argued November, 1891.) Reciprocity and retaliation between different States of the Union. *See* "Commercial retaliation between the States," *Am. Law Rev.* Feb., 1885; *Fire Association v. New York*, 119 U. S., 110. Constitution not violated when a statute expressly or impliedly repeals a treaty, *Chinese exclusion case*. 130 U. S., 581; *Whitney v. Robertson*, 124 U. S., 190; *Head Money cases*, 112 U. S., 580, 599. Laying of a tax is a legislative act, *New Orleans water works v. Louisiana sugar co.*, 125 U. S., 18, 31. The power to exclude involves the power to impose license fees, and that is the power to tax, *Hamilton v. Dillin*, 21 Wall, 73. The legislative power cannot be delegated, *Wayman v. Southard*, 10 Wheat. 1, 42-3; *Bank of U. S. v. Halstead*, *id.* 51, 61; *In re Rahrer*, 140 U. S., 545, 560; *People's R. R. v. Memphis R. R.*, 10 Wall, 38, 50. *Referendum* has even been denied, *Barto v. Himrod*, 8 N. Y.,

483. This has been allowed however, while the right of delegation to a subagent has been denied, *Locke's Appeal*, 72 Pa. St., 491; *Cooley Const. Lim.* 6th ed., p. 140-46. Exceptions to rule, as municipal local self-government, *Paul v. Gloucester County*, 50 N. J. Law, 585. Or, as power of detail to be worked out by the judiciary or executive, *Wayman v. Southard*, 10 Wheat., 1, 42-3; *In re Griner*, 16 Wis., 423. Delegation of power to the President, *Paine, J., In re Oliver*, 17 Wis., 681. Delegation of power to the Courts, *Marshall, C. J., in Wayman v. Southard*, 10 Wheat. 1, 42. McKinley act defended first, on authority of the brig *Aurora*, 7 Cranch, 362; secondly, on statutory precedent. President's power under the non-importation acts not legislative, but judicial. *Martin v. Mott*, 12 Wheat., 19; *Murray's Lessee v. Hoboken Land and Improvement co.*, 18 How., 272, 280. Usage in constitutional interpretation, *Cooley v. Board of Wardens*, 315; *Prigg v. Pennsylvania*, 16 Pet., 621; *Lithographic co. v. Sarony* 111 U. S. 53, 57; *The Lama*, 114 U. S., 411. Power to President under embargo acts, *Annals of Congress*, April 19, 1808, p. 2, 230; *Id.*, April 14, 1808, p. 2, 144; *Id.* Dec. 21, 1808, p. 295; April 19, 1808, p. 2, 216; *Id.* Dec. 21, 1808, p. 259; Jan. 7, 1809, p. 315; *Annals of Congress*, April 13, 1808, p. 2, 124-5; April 18, 1808, p. 2, 212; April 14, 1808, p. 2, 129-30; April 19, 1808, p. 2, 200-2; April 13, 1808, p. 2141-4 [?]. See also *Annals of Congress*, Dec. 1808; Jan. 1809, p. 245-319; *Congr. Record*, Sept. 8, 1890, p. 9, 882. (Remarks by Senator Evarts.) See also *Acts of June 19, 1886*; *Canadian Retaliation Act of March 3, 1887*. (Paul v. Gloucester co., 50 N. J. Law, 585, 600.) Senator Evarts questions constitutionality of the McKinley bill, *Cong. Rec.* Sept. 8-9, 1890, p. 9882, 9906. "Can Congress invest the President with its full powers," etc.? *Paine, J., In re Oliver*, 17 Wis., 681; *Marshall, C. J., in Wayman v. Southard*, 10 Wheat., 1; *U. S. v. Lee*, 106, U. S., 196, 209; *Prize cases*, 2 Black, 635, 668-70; *Luther v. Borden*, 7 How., 1, 43; *Mr. Justice Story, in Martin v. Mott*, 12 Wheat., 19; *Act of July 13, 1861*; *Hamilton v. Dillin*, 21 Wall, 73; *Act of March 3, 1863*; *U. S. v. Klein*, 13 Wall, 128; *Bark Grapeshot*, 9 Wall, 129; *Cross v. Harrison*, 16 How., 164; *Leitensderfer v. Webb*, 20 How., 176; *Ex parte Milligan*, 4 Wall, 1; *Acts of March 3, 1866*, R. S., § 2,494; *Food act of August 19, 1890*, § 4; *Wood on Nuisances*, §§ 66-7; *Chief Justice Marshall in Cohens v. Virginia*, 6 Wheat., 264. "It is no answer that such a power may be abused for there is no power which is not susceptible of abuse, *Mr. Justice Story, in Martin v. Mott*, 12 Wheat., 19. President Adams's act in excess of the powers granted him by the Non-intercourse Act of 1799 pronounced void, *Little v. Barreme*, 2 Cranch, 170.

- 464 **Willson**, Beckles. The new America; a study of the imperial republic.

London, Chapman & Hall, 1903. vii p., 1 l., 268 p. 23cm.

The new diplomacy: p. 70-85. Includes a discussion of the relations between the President and Senate as to the treaty-making powers.

3-9966

E168.W736

- 465 **Wilson**, Woodrow, *pres.* U. S. Congressional government; a study in American politics.

Boston and New York, Houghton Mifflin company [1913?] xvi p., 1 l., 344 p., 1 l. 18cm.

Semi-executive powers of the Senate in regard to the foreign policy of the government: p. 49 *et seq.*, 232 *et seq.*

15-16732

JK1061.W766 1913

- 466 **Woodburn**, James Albert. American politics. The American republic and its government; an analysis of the government of the United States, with a consideration of its fundamental principles and of its relations to the states and territories. 2d rev., ed.

New York and London, G. P. Putnam's sons, 1916. v, 398 p. diagr. 22cm.

Treaty-making power: p. 159-164.

17-26185

JK246.W88 1916

- 467 ——— and Thomas Francis **Moran**. The citizen and the republic; a text-book in government.

New York, Chicago, Longmans, Green and co. [c1918] 2 p. l., iii-viii, 398, ix-xlvi, p., 1 l. front, illus., plates, facsim., diagrs. 20½cm.

Treaty-making power: p. 246-248.

18-23061

JK274.W8

- 468 **Woolsey**, Theodore S. Treaty-making under the United States Constitution.

Journal of social science, Dec., 1902, no. 40: 83-95.

Discusses the prerogative of the Senate of "advice and consent," and also the issues raised when there is a divergence of view between the Senate and House as to the treaty-making power, reference being made to the Jay treaty of 1794, the treaties relating to the Louisiana purchase, the Gadsen purchase and the Alaska purchase, the treaties of reciprocity with Great Britain (1875) and the French treaty of 1831.

H1.J7,no.40

- 469 Wyse, Francis. America, its realities and resources: comprising important details connected with the present social, political, agricultural, commercial, and financial state of the country, its laws and customs, together with a review of the policy of the United States that led to the war of 1812, and peace of 1814—the “right of search,” the Texas and Oregon questions, etc., etc.

London, T. C. Newby, 1846. 3 v. 22cm.

Considerations regarding extradition by treaty: v. 1, p. 169
et seq.

4-4913

E165.W98

II. UNDER THE CONFEDERATION.

- 470 Adams, John, *pres. U. S.* The works of John Adams, second president of the United States: with a life of the author, notes and illustrations, by his grandson Charles Francis Adams ...

*Boston, Little, Brown and company [etc.] 1850-56 [v. 1, '56]
10 v. fronts. plates, ports., facsim. (part fold.) 22½cm.*

Remarks by George Wythe, in Congress, Feb. 16, 1776, on inviting foreign nations to make treaties of commerce, and affirming “we must declare ourselves a free people,” v. 2, p. 486; Adams's opinion that “independence, confederation, and negotiations with foreign powers, particularly France, ought to go hand in hand,” p. 503. Considerations regarding a treaty with France, p. 503-506. 510; Plan of treaty, p. 516-517.

8-19755

- 471 Albany plan of union. July 10, 1754.

(In Macdonald, William. Select charters and other documents illustrative of American history, 1606-1775, p. 253-257. New York, 1899. 20½cm.)

“That the President General with the advice of the Grand Council, hold or direct all Indian Treaties in which the general interest of the Colonys may be concerned,” p. 256.

E173.M131

- 472 Bancroft, George. History of the United States of America, from the discovery of the continent. The author's last revision. Vol. iv.

New York: D. Appleton and company, 1888. xvi, 452 p. 22cm.

Adoption of Wythe's resolution “That the colonies have a right to contract alliances with foreign powers;” p. 335-336.

E178.B2275,v.4

- 473 **Butler, Charles Henry.** The treaty-making power of the United States.

New York, The Banks law pub. co., 1902. 2 v. 24^{cm}.

Treaties, and the treaty-making power of the United States as exercised prior to and under the Confederation: v. 1, p. 235-284.

2-7104

JK570.B85

- 474 **Crandall, Samuel Benjamin.** Treaties, their making and enforcement. (2d ed.)

Washington, D. C., J. Byrne & company, 1916. xxvii, 663 p. 23¹/₂^{cm}.

Prior to the Articles of Confederation: p. 19-23; Under the Articles of Confederation: p. 24-42.

16-6404

JX4165.C8 1916

- 475 **Fisher, Sydney George.** The evolution of the Constitution of the United States, showing that it is a development of progressive history and not an isolated document struck off at a given time or an imitation of English or Dutch forms of government.

Philadelphia, J. B. Lippincott company, 1897. 2 p. l., 3-398 p. 19¹/₂^{cm}.

Treaty-making power, p. 306-307; Clauses quoted from Franklin's plan of 1754, Hutchinson's plan of 1754, Franklin's Articles of Confederation, 1775, South Carolina Constitution of 1776, the Articles of Confederation, 1778, Drayton's Articles of Confederation, 1778, Pinckney's plan, 1787, and from the Federal Constitution.

9-18342

JK37.F6

- 476 **Franklin, Benjamin.** The complete works of Benjamin Franklin. Comp. and ed. by John Bigelow.

New York and London, G. P. Putnam's sons, 1887-88. 10 v. fronts. plates. 23¹/₂^{cm}.

Plan of union for the colonies: Duty and power of the governor-general and grand council: To order all Indian treaties, v. 2, p. 346; Plan of union adopted by the convention at Albany, with the reasons and motives for each article of the plan: Power of president-general and grand council; treaties of peace and war, v. 2, p. 365-366; Articles of Confederation and perpetual union, proposed in General Congress, July 21, 1775, "That the power and duty of the Congress shall extend to the determining on war and peace; the entering into alliances," etc., v. 5, p. 550; Notification to the French minister of foreign affairs by the Commissioners of Congress of their appointment, v. 6, p. 42-43. The communication to the French minister of foreign affairs, Count de Vergennes, (v. 6, p. 42-43) is also printed in "Papers relating to the foreign relations of the United States," 1877, p. 154-155.

7-18932

E302.F838

- 477 **Franklin, Benjamin.** The writings of Benjamin Franklin; collected and ed., with a life and introduction, by Albert Henry Smyth.

New York, The Macmillan company; London, Macmillan & co., ltd., 1905-07. 10 v. fronts., illus., plates, ports., facsims., diagsr. 23½cm.

5-35396

E302.F84

- 478 **Hutchinson, Thomas.** Plan of union . . . [Dec. 26, 1754.]

(*In Frothingham, Richard.* The rise of the republic of the United States, 10th ed., p. 613-616. Boston, 1910. 21cm.)

"That the President, by the advice of the Council, may hold and manage all Indian treaties in which the general interest or welfare of the colonies may be concerned," etc. p. 614.

E210.F96

- 479 [**Jay, John.**] [Circular letter to the states on the binding nature of treaties. April 13, 1787.]

(*In U. S. Continental congress. Journal*, v. 12, p. 45-52.

[Philadelphia,] 1787. 22cm.)

J10.A1,v.12

Also given in Rawle's "View of the Constitution of the United States of America," 2d ed., p. 316-323. Philadelphia, 1829.

JK216.R25

- 484a **Tucker, Henry St. George.** Limitations on the treaty-making Jefferson: being his autobiography, correspondence, reports, messages, addresses, and other writings, official and private. Pub. by the order of the Joint committee of Congress on the library, from the original manuscripts, deposited in the Department of state. With explanatory notes . . . by the editor, H. A. Washington.

Washington, Taylor & Maury, 1853-54. 9 v. front. (port.) 4 fold. facsims. 23½cm.

Treaties under the Confederation, v. 1, p. 55-60, 62-67, 349-352, 358-361, 370-374, 457-459, 460, 538-540, 557; v. 9, p. 286; Treaties paramount to state laws, v. 3, p. 399-406.

6-7150

E302.J464

- 481 ——— The writings of Thomas Jefferson; collected and ed. by Paul Leicester Ford.

New York [etc.] G. P. Putnam's sons, 1892-99. 10 v. 23½cm.

Debate in Congress, June 8, 1776, and arguments of J. Adams, Lee, Wythe, and others, as to independence and treating with European powers: v. 1, p. 21-23; Treaties under the Confederation, v. 1, p. 77-84, 86-94, v. 4, p. 54-59, 79-82, 141-144, 198-201; Treaties paramount to state laws, v. 6, p. 41-47.

2-5666

E302.J466

- 482 **Madison, James.** [Letter] to Edmund Randolph. Philadelphia, May —, 1783.

(In The papers of James Madison, v. 1, p. 533-538. Washington, 1840. 24^{cm}.)

Largely on commercial treaties.

JK111.M2,v.1

- 483 **Miller, Samuel Freeman.** Lectures on the Constitution of the United States.

New York and Albany, Banks and brothers, 1893. xvi, 765 p. 24^{cm}.

Treaties negotiated by the Continental Congress: p. 48-55;
The consular convention with France a construction of the
treaty-making power: p. 55.

2-19694

JK241.M66

- 484 **South Carolina.** Constitution. 1776.

(In Poore, B. P. The federal and state constitution, Colonial charters, and other organic laws of the United States, 2d ed. v. 2, p. 1615-1620. Washington, 1878. 29½^{cm}.)

xxvi. That the president and commander-in-chief shall have no power to make war or peace, or enter into any final treaty, without the consent of the general assembly and legislative council: p. 1619.

JK18 1878,v.2

- 484a **Tucker, Henry St. George.** Limitations on the treaty-making power under the Constitution of the United States.

Boston, Little, Brown, and company, 1915. xvi, 444 p. 24½^{cm}.

The Treaty power under the Articles of Confederation as strong as under the Constitution. The chief difference being that under the former there was no judicial tribunal to enforce treaties: p. 56-72.

15-8092

JK570.T8

- 485 **U. S.** *Continental congress.* Articles of confederation—1777.

(In Preston, H. W. ed. Documents illustrative of American history, 1606-1863, with introductions and references, p. 218-231. New York, 1886. 23^{cm}.)

"Article ix. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article — of sending and receiving ambassadors — entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever" etc., p. 223-224.

E173.P93

- 486 U. S. *Continental congress*. Journal of the United States in Congress assembled: containing the proceedings from the sixth day of November, 1786, to the fifth day of November, 1787. Vol. XII.

[*Philadelphia M, DCC, LXXXVII. 255 [9] p. 22^{cm}.*

Resolutions affirming the binding nature of treaties made by Congress on the states: p. 32-33; Draught of a letter by the secretary for foreign affairs (Mr. Jay) to accompany the resolutions: p. 45-52; Treaties containing the most favored nation clause, and request to the Commonwealth of Virginia: p. 206-207. JA10.A1,v.12

- 487 ——— Journals of Congress: containing their proceedings from September 5, 1774, to [November 3, 1788] Published by authority. Volume I. [—XIII.]

From Folwell's press. Philadelphia. 1800-01. 13 v. 21-22^{cm}.

15-14439

JA10.A2

The Library of Congress has other editions.

- 488 ——— Secret journals of the acts and proceedings of Congress, from the first meeting thereof to the dissolution of the Confederation, by the adoption of the Constitution of the United States. Pub. under the direction of the President of the United States, conformably to resolution of Congress of March 27, 1818, and April 21, 1820.

Boston, T. B. Wait, 1820-21. 4 v. 22½^{cm}.

CONTENTS.—v. 1. Domestick affairs. History of the Confederation.—v. 2-4. Foreign affairs.

11-28751

J10.A35

- 489 ——— *Dept. of state*. The diplomatic correspondence of the United States of America, from the signing of the definitive treaty of peace, 10th September, 1783, to the adoption of the Constitution, March 4, 1789. Being the letters of the presidents of Congress, the secretary for foreign affairs—American ministers at foreign courts, foreign ministers near Congress—reports of committees of Congress, and reports of the secretary for foreign affairs on various letters and communications; together with letters from individuals on public affairs. Pub. under the direction of the secretary of state, from the original manuscripts in the Department of state, conformably to an act of Congress, approved May 5, 1832.

Washington, Printed by F. P. Blair, 1833-34. 7 v. 21½^{cm}.

10-9018

JX233.A2

III. AS CONSIDERED IN THE FEDERAL CONVENTION AND EUROPE
BEFORE THE ADOPTION OF THE CONSTITUTION

- 490 **Butler**, Charles Henry. The treaty-making power of the United States.

New York, The Banks law pub. co., 1902. 2 v. 24^{cm}.

Proceedings of the Constitutional Convention of 1787 relating to treaties and the treaty-making power of the Federal government, v. 1, part 2, p. 285-338. Proceedings of the Constitutional Conventions of the several states, in so far as they relate to the treaty-making power of the national government, p. 339-370.

The treaty-making powers as a factor in the great national debate of 1787-8, p. 371-392.

2-7104

JK570.B85

- 491 ——— Treaties, their making and enforcement. (2d ed.)
Washington, D. C., J. Byrne & company, 1916. xxvii, 663 p. 23½^{cm}.

The Federal convention: p. 43-52; Discussion preceding the adoption of the Constitution: p. 53-66.

16-6404

JX4165.C8 1916

- 492 **Elliot**, Jonathan, *ed.* The debates in the several state conventions on the adoption of the federal Constitution, as recommended by the general convention at Philadelphia, in 1787. Together with the Journal of the federal convention, Luther Martin's letter, Yates's minutes, Congressional opinions, Virginia and Kentucky resolutions of '98-'99, and other illustrations of the Constitution . . . 2d ed., with considerable additions. Collected and rev. from contemporary publications. Pub. under the sanction of Congress.

Philadelphia, J. B. Lippincott company, 1896. 5 v. 24^{cm}.

Vol. 5 has title: Debates on the adoption of the federal Constitution, in the convention held at Philadelphia, in 1787; with a diary of the debates of the Congress of the Confederation; as reported by James Madison . . . Rev. and newly arranged by Jonathan Elliot . . . Vol. v. Supplementary to Elliot's Debates . . .

Reprint of edition of 1836-45.

12-14217

JK141 1836b

- 493 **Ellsworth**, Oliver. The landholder. (Oliver Ellsworth), in the Connecticut Courant.

(In Scott, E. H., ed. The Federalist and other Constitutional papers, v. 2, p. 566-603. Chicago, 1894. 25^{cm}.)

As to dangers from the treaty power, p. 578.

JK154 1894

- 494 **Ellsworth, Oliver.** The letters of a landholder. Written by Oliver Ellsworth, and printed in the Connecticut Courant and the American Mercury, November, 1787–March, 1788.

(In Ford, Paul Leicester, ed. Essays on the Constitution of the United States, p. 135–202. Brooklyn, 1892. 24½^{cm}.)

As to the dangers from the treaty power, p. 165.

JK171.F72

- 495 **The Federalist.** 1787–1788. No. 64, by Jay, is on the treaty-making power of the Senate; and no. 75, by Hamilton, on the treaty-making power of the President. For other observations on the treaty-making power, see edition with index.

Numerous editions of "The Federalist" are noted in Paul Leicester Ford's "Bibliography of the Constitution" printed in George Ticknor Curtis's "Constitutional History of the United States," v. 2, p. 708–766. New York, 1896. Editions issued since those given in Ford's list are those of Charlottesville, Va., 1895, abridged by Wm. A. Falconer; New York, 1898, ed. by Paul Leicester Ford; and Washington, 1901, with an introduction by E. G. Bourne; New York, 1901, with a special introduction by Goldwin Smith; New York, 1902, ed. by Henry Cabot Lodge. French ed., by Gaston Jéze, Paris, 1902; and Selections, ed. with an introduction by William Bennett Munro, Cambridge, 1914.

- 496 **Hamilton, Alexander.** Constitution of governments by the people of the United States of America. First draught of Hamilton, 1787.

(In The Works of Alexander Hamilton, ed. by Henry Cabot Lodge, v. 1, p. 334–353. New York & London, 1885. 23½^{cm}.)

E302.H23,v.1

"The Senate shall exclusively have the power of declaring war. No treaty shall be made without their advice and consent," etc. page 338; "All treaties, conventions, and agreements with foreign nations shall be made by him, [the President] by and with the advice and consent of the Senate," p. 342; "The laws of the United States and the treaties which have been made under the articles of the Confederation, and which shall be made under this Constitution, shall be the supreme law of the land, and shall be so construed by the courts of the several States," p. 348; "All treaties, contracts, and engagements of the United States of America, under the Articles of Confederation and Perpetual Union, shall have equal validity under this Constitution," p. 351; "No State shall enter into a treaty, alliance, or contract with another, or with a foreign power, without the consent of the United States," p. 351.

- 497 **Hamilton, Alexander.** Propositions for a constitution of government.

(In *The Works of Alexander Hamilton*, edited by Henry Cabot Lodge, v. 1, p. 331-333. New York & London, 1885. 23½^{cm}.)

"The Governor . . . to have, with the *advice* and *approbation* of the Senate, the power of making all treaties," etc., p. 332;
"The Senator to have the sole power of *declaring war*—the power of advising and approving all treaties," etc., p. 332.

E302.H23,v.1

- 498 [**Iredell, James.**] Answers to Mr. Mason's objections to the new constitution recommended by the late convention at Philadelphia. By Marcus.

(In *McRee, Griffith J.* Life and correspondence of James Iredell, v. 2, p. 186-215. New York, 1858. 23½^{cm}.)

Treaty-making power, p. 202-203; Treaties of commerce, p. 205-206.

Iredell's "Answers to Mr. Mason's objections" is also reprinted in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 333-370 (JK171.F71), and in E. H. Scott's "The Federalist and other constitutional papers" v. 2, p. 885-917 (JK154 1894).

E302.6.I7M17

- 499 [**Lee, Richard Henry.**] Observations leading to a fair examination of the system of government, proposed by the late convention; and to several essential and necessary alterations in it. In a number of letters from the Federal Farmer to the Republican.

[*New York*]: Printed [by Thomas Greenleaf] in the year 1787. 40 p. 12°.

Reprinted in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 277-325 (JK171.F71), and in E. H. Scott's "The Federalist and other constitutional papers," v. 2, p. 839-880 (JK154 1894).

Treaties, p. 29-30, 34.

- 500 [—] An additional number of letters from the Federal farmer to the Republican; leading to a fair examination of the system of government, proposed by the late convention; to several essential and necessary alterations in it; and calculated to illustrate and support the principles and positions laid down in the preceding letters.

[*n. p.*] Printed in the year 1788. 1 p. l., p. [xliii]-xliv, [45]-181. 17^{cm}.

On the treaty-making power, p. 98-100; Argument that "the legislature has a proper control over the president and senate in settling commercial treaties," p. 99-100.

10-14724

JK146.L4

- 501 **Madison, James.** Debates on the adoption of the Federal Constitution in the convention held at Philadelphia, in 1787; with a diary of the debates of the Congress of the Confederation; ... Revised and newly arranged by Jonathan Elliot. Complete in one volume. Vol. v. Supplementary to Elliot's Debates. Published under the sanction of Congress.

Washington: Printed for the editor, 1845. xxvii, 641 p. 24½^{cm}.

See index under "Treaty."

JK141 1836,v.5

- 502 ——— The papers of James Madison, . . . now published from the original manuscripts, deposited in the Department of State, by direction of the joint library committee of Congress, under the superintendence of Henry D. Gilpin.

Washington: Langtree & O'Sullivan, 1840. 3 v. Facsimiles. 24^{cm}.

See index, v. 3, under "Treaty."

JK111.M2

- 503 **Massachusetts.** *Convention, 1788.* Debates, resolutions and other proceedings, of the convention of the commonwealth of Massachusetts convened at Boston, on the 9th of January, 1788, and continued until the 7th of February following, for the purpose of assenting to and ratifying the Constitution recommended by the Grand Federal Convention. Together with the yeas and nays on the decision of the grand question. To which the Federal Constitution is prefixed.

Boston, Adams and Nourse, 1788. 219 p. 19^{cm}.

Treaties: p. 107, 113, 156.

9-21475

JK161.M4 1788

- 504 ——— ——— *Same.*

Boston, W. White, printer to the commonwealth, 1856. vii p., 4 l., 442 p. 24^{cm}.

3-3147

JK161.M4 1856

- 505 **New York (State)** *Convention, 1788.* The debates and proceedings of the Convention of the state of New-York, assembled at Poughkeepsie, on the 17th June, 1788. To deliberate and decide on the form of federal government

recommended by the General convention at Philadelphia, on the 17th September, 1787. Taken in shorthand.
New-York, Printed and sold by F. Childs, 1788. 1 p. l, ii, [3]-144 p. 21^{cm}.

Amendment proposed, "Resolved, as the opinion of this committee, that no treaty ought to operate so as to alter the constitution of any state; nor ought any commercial treaty to operate so as to abrogate any law of the United States," p. 140.

A reprint has been issued with title: The debates and proceedings of the constitutional convention of the state of New York . . . Published by the Vassar brothers institute. Poughkeepsie, N. Y., 1905.

5-35342

JK161.N7 1905

506 **Patterson, William.** [Plan of government. June 15, 1787.]

[In Madison, James. Debates on the adoption of the federal constitution, p. 191-193. Washington, 1845. 24^{cm}. (Elliot's debates, v. 5.)]

Resolutions favoring a revision, correction and enlargement of the Articles of Confederation.

JK141 1836,v.5

507 **Pennsylvania. Historical society.** Pennsylvania and the federal Constitution, 1787-1788. Ed. by John Bach McMaster and Frederick D. Stone.

[*Philadelphia*] *Pub. for the subscribers by the Historical society of Pennsylvania [Lancaster, Inquirer printing and publishing co., printers] 1888. viii, 803 p. 15 port. (incl. front.) 25½^{cm}.*

Treaties of commerce by the old Congress, p. 455; how affected by laws of the United States and constitutions of states, p. 463; objections to the power of the president and senate in making treaties, p. 476; amendment proposed regarding treaties, p. 564.

7-8550

JK161.P4 1888

508 **Pinckney, Charles.** Plan of a federal constitution. May 29, 1787.

(In Madison, James. Debates on the adoption of the federal Constitution, p. 129-132. Washington, 1845. 24^{cm}. (Elliot's debates, v. 5.)

JK141 1836,v.5

"Art. VII.—The Senate shall have the sole and exclusive power to declare war, and to make treaties, and to appoint ambassadors and other ministers to foreign nations, and judges of the supreme court," p. 131.

See Jameson, J. F. "Studies in the history of the Federal convention of 1787," reprinted from the Annual Report of the American Historical Association for 1902, v. 1, p. 87-167, for discussions of the authenticity of the text of the Pinckney plan.

- 509 [Ramsay, David.] An address to the freemen of South-Carolina, on the subject of the Federal Constitution, proposed by the convention, which met in Philadelphia, May 1787. *Charleston: Printed by Bowen and co., [1787?] 82 p. 16°.*

Defense of the treaty-making clause, p. 7-8.

Ramsay's address is reprinted in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 371-380, (JK171.F71) and in E. H. Scott's "The Federalist and other constitutional papers," v. 2, p. 918-924. (JK154 1894).

- 510 Randolph, Edmund. [Plan of government. May 29, 1787.]

(In Madison, James. Debates on the adoption of the federal constitution. p. 127-128. Washington, 1845. 24^{cm}. (Elliot's debates, v. 5.)

JK141 1836,v.5

No clause on the treaty-making power in particular. The national legislature should be empowered with the legislative rights vested in Congress by the Confederation and have the authority to negative any laws passed by the several states contravening any treaty subsisting under the authority of the Union. A national executive should be instituted and have, besides a general authority to execute the national laws, the executive rights vested in Congress by the Confederation.

- 511 Richardson, Hamilton P. The journal of the federal convention of 1787 analyzed; the acts and proceedings thereof compared; and their precedents cited; in evidence . . . that . . . Congress have general power to provide for the common defense and general welfare of the United States; direct taxes are taxes direct to the several states . . . and the limits of the Union are coextensive with the bounds of America.

San Francisco, The Murdock press, 1899. 244 p. 8°.

Dec. 7, 99-91

JK146.R52

- 512 Rowland, Kate Mason. The life of George Mason, 1725-1792, including his speeches, public papers, and correspondence; with an introduction by General Fitzhugh Lee.

New York, London, G. P. Putnam's sons, 1892. 2 v. front. (port.) 2 facsim. 23½^{cm}.

Treaties, treaty-making power, v. 2, p. 49, 105, 106, 147, 148, 155, 169, 229, 245, 261, 289, 385, 388, 389, 401, 411, 413, 430-432, 434, 440, 449, 450, 452.

Mason's "Objections to this constitution of government," v. 2, p. 387-390, which include his objection to the grant of the treaty-making power, is also printed in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 327-332, and in E. H. Scott's "The Federalist and other constitutional papers," v. 2, p. 881-884.

- 513 **Spear, Samuel T.** Treaties and the federal convention.

Albany law journal, July 10, 1880, v. 22: 25-28.

Study based largely on the reports of the Federal Convention in the Madison Papers. Constitution, Art. 1. sec. 10. denying the right to make treaties to the States. See Story's Constitution, § 1403.

Same i. e. Story's § 1403, the matter of compacts between States; also, *Holmes v. Jennison*, 14 Pet., 540, and the *People v. Curtis*, 59 N. Y., 321. Ability of Congress to guarantee its own stipulations. Story's Const. § 1838. Treaties as a part of "the supreme law of the land" are placed under the cognizance of the judicial power of the United States. Sec. 25, of the Judiciary act of Sept. 24, 1789, 1 U. S. Stat. at Large, 73. Rev. Stat. of the U. S., sec. 709.

- 514 **U. S.** *Bureau of rolls and library.* Documentary history of the Constitution of the United States of America, 1786-1870. Derived from records, manuscripts, and rolls deposited in the Bureau of rolls and library of the Department of state.

Washington, Department of state, 1894-1905. 5 v. 31½cm.

Vol. III has an appendix (not included in the original edition) "Additional notes by Madison for the introduction to his notes of debates in the Federal convention": p. 796a-796o; also, a "Special index": p. 797-904.

2-10164/5

JK111.A52

- 515 ——— *Constitutional convention, 1787.* Journal, acts and proceedings of the convention, assembled at Philadelphia, Monday, May 14, and dissolved Monday, September 17, 1787, which formed the Constitution of the United States. *Boston, T. B. Wait, 1819. 510 p. 22½cm.*

Published under the direction of the President of the United States, conformably to a resolution of Congress of March 27, 1818.

9-21623

JK141 1819

- 516 ——— ——— *Journal of the Federal convention, kept by James Madison.* Reprinted from the ed. of 1840, which was published under direction of the United States government from the original manuscripts. A complete index specially adapted to this ed, is added. Ed. by E. H. Scott.

Chicago, Scott, Foresman and co., 1898. 2 v. 25cm.

See Index under Treaties.

1-9289

JK141 1898

- 517 U. S. *Constitutional convention, 1787.* The journal of the debates in the convention which framed the Constitution of the United States, May–September, 1787, as recorded by James Madison; ed. by Gaillard Hunt.

New York and London, G. P. Putnam's sons, 1908. 2 v. 5 facsim. (2 fold.) 21cm.

S-20180

JK141 1908

- 518 ——— The records of the Federal convention of 1787, ed. by Max Farrand.

New Haven, Yale university press, 1911. 3 v. 26cm.

For discussions of Treaty-making power see Index by clauses of Constitution, Art. II, Sec. 2, clause 2: p. 643–644.

11-5506

JK141 1911

- 519 ——— Report of the committee of detail. Aug. 6, 1787.

(In Madison, James. Debates on the adoption of the Federal Constitution, p. 376–381. Washington, 1845, 24cm. (Elliot's debates, v. 5.)

"Art. ix.—Sec. 1, The Senate of the United States shall have power to make treaties, and to appoint ambassadors, and judges of the supreme court." p. 379.

"Art. xii.—No state shall . . . enter into any treaty, alliance, or confederation; nor grant any title of nobility": p. 381.

JK141 1836,v.5

- 520 ——— Secret proceedings and debates of the convention assembled at Philadelphia, in the year 1787, for the purpose of forming the Constitution of the United States of America. From the notes taken by the late Robert Yates. *Washington, Printed for G. Templeman, 1836. 308 p. 23cm.*

First published in 1821.

9-21547

JK141 1836b

- 521 ——— *Same.*

Washington, Govt. print. off., 1909. 208 p. 23cm. (60th Cong., 2d sess. Senate. Doc. 728)

9-35422

JK141 1909

- 522 **Virginia.** *Convention*, 1788. Debates and other proceedings of the Convention of Virginia, convened at Richmond, on Monday the 2d day of June, 1788, for the purpose of deliberating on the Constitution recommended by the grand Federal convention. To which is prefixed, the federal Constitution.

Petersburg: Printed by Hunter and Prentis, M,DGC,LXXXVIII [i. e. 1788]—89. 3 v. in 1. 21^{cm}.

Treaty-making clause considered, v. 3, p. 80-95; Proposed amendment regarding the treaty-making power, v. 3, p. 222. The nature of the treaty-making power is also considered in the discussion of the navigation of the Mississippi, which runs through the last part of v. 1 and the greater part of v. 2.

7-7114

JK161.V8 1788a

- 523 ———— *Same*. Taken in short hand, by David Robertson of Petersburg. 2d ed.

Richmond: Printed at the Enquirer's press, for Ritchie & Worsley and Augustine Davis, 1805. viii, 477 p. 21 $\frac{1}{2}$ ^{cm}.

See p. 104-105, 354-367, 474; also, the discussion of the navigation of the Mississippi, p. 115-261.

JK161.V8 1805

- 524 [**Webster**, Noah] An examination into the leading principles of the Federal constitution proposed by the late Convention . . . with answers to the principal objections that have been raised against the system.

Philadelphia: printed and sold by Prichard & Hall, 1787. 55 p.

Discussion of the constitution and powers of the Senate, p. 16-21.

Also printed in Paul L. Ford's "Pamphlets on the Constitution of the United States," p. 25-65. Brooklyn, N. Y., 1888.

JK171.F71

IV. AS CONSIDERED IN WRITINGS ON THE CONSTITUTION

- 525 **Ames**, Herman V. The proposed amendments to the Constitution of the United States during the first century of its history.

(In American historical association. Annual report for the year 1896. v. 2, Washington, 1897. 8°.)

"Foreign affairs—the treaty-making power," p. 267-269, 308, 309, 310, 319, 323, 413, 414.

E172.A60 1896,v.2

- 526 **Baker**, Andrew J. Annotated Constitution of the United States.

Chicago, Callaghan and company, 1891. lxxvii, 279 p. 24^{cm}.

Treaties and the treaty power: p. 58, 115-117, 133, 173, 174.
2-9008 JK241.B16

- 527 **Boutwell**, George Sewall. The Constitution of the United States at the end of the first century.

Boston, D. C. Heath & co., 1895. xviii, 412 p. 21^{cm}.

Treaties: p. 286-296, 352, 354, 377.
9-21537 JK241.B77

- 528 **Bryant**, Edwin Eustace. The Constitution of the United States, with notes of the decisions of the Supreme court thereon, from the organization of the court till October, 1900.

Madison, Wis., The Democrat printing company, 1901. x, 418 p. 20^{cm}.

Treaties and the treaty power: p. 58, 115-117, 133, 173, 174.
1-31152 JK241.B9

- 529 **Bryce**, James Bryce, *viscount*. The American commonwealth. New ed., completely rev. throughout, with additional chapters.

New York, The Macmillan company, 1910. 2 v. 21^{cm}.

Treaties, see Index.
10-26931 JK246.B9 1910

- 530 **Calhoun**, John C. A disquisition on government and a discourse on the constitution and government of the United States. Ed. by Richard K. Cralle.

Charleston, S. C.: Walker and James, 1851. viii, 406 p. 23^{cm}. (His Works, v. 1.)

Treaty-making power; p. 201 *et seq.*

E338.C13,v.1

- 531 **Corwin**, Edward Samuel. The doctrine of judicial review, its legal and historical basis, and other essays.

Princeton, Princeton university press; [etc., etc.] 1914. vii p., 1 l., 177 p. 21^{cm}.

"Some possibilities in the way of treaty-making:" p. 161-171.
14-19188 JK1541.C7

- 532 **Coxe**, Brinton. An essay on judicial power and unconstitutional legislation, being a commentary on parts of the Constitution of the United States.

Philadelphia, Kay and brother, 1893. xvi, 415 p. 23½cm.

Influence of the treaty of peace with Great Britain on the Constitution of the United States, p. 274-284; Of the origin of the doctrine that a treaty may be part of the law of the land of a state, p. 284-285; Of the meaning of the words, "the law of the land," in the first resolution and the federal letter of Congress, p. 287-290; The treaty of peace with Great Britain a part of the law of the land, p. 289-290; The federal letter of Congress, April 13, 1787, p. 387-395.

9-23583

JK1541.C8

- 533 **Curtis**, George Ticknor. Constitutional history of the United States from their declaration of independence to the close of the civil war.

New York, Harper & brothers, 1889-96. 2 v. front. (v. 2, port.) 23½cm.

Treaties and the treaty-making power: v. 1, p. 219, 422, 457, 463, 465, 468, 553, 554, 579, 581, 589, 596.

5-29962

JK116.C85

- 534 **Duer**, William Alexander. A course of lectures on the constitutional jurisprudence of the United States. 2d ed., rev., enl.

Boston, Little, Brown and company, 1856. xvii p., 1 l., 545 p. 20cm.

The powers to make treaties, etc. p. 227-238.

12-13111

JK211.D8

- 535 ——— Outlines of the constitutional jurisprudence of the United States.

New-York, Collins and Hannay, 1833. xviii, [25]-249 p. 18cm.

Treaties: p. 65-66, 135-141, 193.

9-21742

JK221.D85

- 536 **Farrar**, Timothy. Manual of the Constitution of the United States of America.

Boston, Little, Brown, and company, 1867. xii, 532 p. 23cm.

Treaty-making power: p. 333, 447-451.

9-21633

JK246.F24

537 Hare, John Innes Clark. American constitutional law.

Boston, Little, Brown, and company, 1889. 2 v. 24½cm.

Regulation of commerce, p. 427 *et seq*; Power to make treaties, p. 15, 171; Power to regulate commerce may be exercised by treaty, p. 435. Law contrary to a treaty binding on the courts, p. 439, 502.

9-21642

JK241.H28

538 Harrison, Benjamin, *pres. U. S.* This country of ours.

New York, C. Scribner's sons, 1897. 3 p. l., [iii]-xxiv, 360 p. 19cm.

Treaty-making power: p. 134-136; Participation of House in treaties: p. 136-141. *See also* p. 121-123, 250, 281, 284.

4-3866

JK424.H3

539 Hart, Albert Bushnell. Introduction to the study of federal government.

Boston, Ginn & company, 1891. x, 11-200 p. 23½cm. (Harvard historical monographs, no. 2)

Treaties as basis of federation: p. 15, 17, 19; Foreign powers: p. 165-166.

5-1610

JC353.H24

540 Holst, Hermann Eduard von. The constitutional law of the United States of America. Authorized ed. Tr. by Alfred Bishop Mason.

Chicago, Ill., Callaghan & company, 1887. v p., 1 l., 369 p. 24cm.

Treaty-power, p. 200 *et seq*.

President before negotiating a treaty may ask the Senate for advice; his right to do so has never been disputed, p. 201; Treaty-power cannot be unlimited, p. 202; A law can be repealed by a treaty (*Foster v. Neilson*, 2 Peters, 253) as well as a treaty by a law, p. 202 (*The Cherokee Tobacco*, 11 Wallace, 616); If a treaty and a law are in opposition, their respective dates must decide whether the one or the other is to be regarded as repealed, p. 202 (*Foster v. Neilson*, 2 Peters, 253, 314; *Doe v. Braden*, 16 Howard, 635); Relation between the treaty-power and the legislative-power, p. 203-204; Commercial treaties, p. 204-205; When stipulations in a treaty are of the nature of a contract, the contract must be fulfilled by the action of the legislature (or executive), p. 205-206 (*Foster v. Neilson*, 2 Peters, 253).

9-21111

JK31.H75

- 541 **Kent**, James. Commentaries on American law. 12th ed. Ed. by O. W. Holmes, jr. 14th ed. Ed. by John M. Gould. *Boston, Little, Brown, and company, 1896.* 4 v. 24 $\frac{1}{2}$ ^{cm}.

Part I. Of the law of nations: Treaties of peace: p. 165-177 (200-211); Of territories ceded or acquired: p. 177-179 (211-214); Part II. Of the government and constitutional jurisprudence of the United States; The treaty-making power, p. 284-287, (346-350).

2-20193

- 542 **McClain**, Emlin. A selection of cases on constitutional law. *Boston, Little, Brown and company, 1900.* xxi, 1080 p. 24^{cm}.

The powers of the executive: Sec. II. Treaties: p. 581-590. Cases cited: *Haver v. Yaker*, 9 Wallace, 32 (1869). The People, *ex rel.* The Attorney-General v. Gerke, 5 Cal. 381 (1855). Head money cases, 112 U. S., 580, (1884).

May 17, 1900-69

JK240.M12

- 543 ——— *Same.* 2d ed.

Boston, Little, Brown, and company, 1909. xli, 1297 p. 24 $\frac{1}{2}$ ^{cm}.

9-27928

JK265.M3

- 544 **Miller**, Samuel Freeman. Lectures on the Constitution of the United States.

New York and Albany, Banks and brothers, 1893. xxi, 765 p. 24^{cm}.

Treaties negotiated by the Continental Congress: p. 48-55; The consular convention with France a construction of the treaty-making power: p. 55; Power to make treaties: p. 167-168, 214-216, 375, 578-579; Treaties providing for payment of moneys: p. 181-184; Principal treaties reviewed: p. 220-226; Commercial treaties: p. 225-226; Cases arising under treaties: p. 321-325.

2-19694

JK241.M66

- 545 **Noailles**, Jules Charles Victorien *duc de*. Cent ans de république aux États-Unis.

Paris, C. Lévy, 1886-89. 2 v. 23^{cm}.

Attributions exécutives du Sénat: v. 1, p. 361-391.

2-16065

JK246.N74

- 546 **Paschal**, George Washington. The Constitution of the United States defined and carefully annotated. With an appendix, supplement, and index thereto. [3d ed.]

Washington, D. C., W. H. Morrison, 1882. xx, xxa-xxc, [xvi]-lxxii, 644 p. 21^{cm}.

Treaties: p. 373-374, 393, 412, 463-464.

2-14916

JK241.P27 1882

- 547 **Patterson, Christopher Stuart.** The United States and the States under the Constitution. 2d ed., with notes and references to additional authorities, by Robert P. Reeder. *Philadelphia, T. & J. W. Johnson & co., 1904. xli, 347 p. 24^{cm}.*

Supremacy of treaties: p. 238-239.

4-31001

JK314.P3 1904

- 548 **Pomeroy, John Norton.** An introduction to the constitutional law of the United States. Especially designed for students, general and professional. 9th ed., rev. and enl., by Edmund H. Bennett. *Boston and New York, Houghton, Mifflin and company, 1886. xxviii, 709 p. 23^{cm}.*

President's power to make treaties: p. 118; Acquisition of territory by treaties: p. 396-398; The power of the President to manage the foreign and international relations of the United States: p. 563-572; Cases arising under treaties: p. 631-632.

"The Constitution places no express limits whatever upon the subjects, conditions, or contents of treaties. The President shall have power to make treaties. . . . Congress, having no power over them, can not abrogate or modify them. In general, therefore, the President, with the consent of the Senate, may enter into any species of treaty known in the intercourse of nations, any species known to the international law. The genus 'treaties' includes all the usual kinds and sorts": p. 566.

9-21072

JK241.P78 1886

- 549 **Rawle, William.** A view of the Constitution of the United States of America. 2d ed. *Philadelphia, P. H. Nicklin, 1829. viii, [9]-349 p. 24^{cm}.*

Of the treaty making power: p. 63-76, 316-324.

9-25931

JK216.R25

- 550 **Sergeant, Thomas.** Constitutional law. Being a collection of points arising upon the Constitution and jurisprudence of the United States, which have been settled, by judicial decision and practice. *Philadelphia, A. Small, 1822. 2 p. l., [iii]-viii, [9]-415, [1] p. 23½^{cm}.*

Treaties and treaty-making power, etc.: p. 53, 149, 328, 391, 395-400.

16-12958

JK1521.S4 1822

- 551 ——— *Same.* 2d ed., with additions and improvements. *Philadelphia, P. H. Nicklin and T. Johnson, 1830. 2 p. l., xi, 440 p. 24^{cm}.*

15-23571

JK1521.S4 1830

- 552 **Story, Joseph.** Commentaries on the Constitution of the United States: with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution, 5th ed., by Melville M. Bigelow. *Boston, Little, Brown, and company, 1905, 1891. 2 v. 24cm.*

Treaties: v. 1, p. 13-15, 187-188, 193; v. 2, p. 225-226, 275-278, 450, 603-612.

8-27554

JK211.S72

- 553 **Sutherland, George.** Constitutional power and world affairs. *New York, Columbia university press, 1919. vii, 202 p. 20cm. (Columbia university lectures . . . George Blumenthal foundation, 1918)*

The treaty-making power—General: p. 116-140; The treaty-making power—How far limited: p. 141-165.

19-4440

JK306.S7

- 554 **Sutherland, William Angus.** Notes on the Constitution of the United States, showing the construction and operation of the constitution as determined by the federal Supreme court and containing references to illustrative cases from the inferior federal courts and state courts. *San Francisco, Bancroft-Whitney company, 1904. xv, 973 p. 23½cm.*

Treaties: p. 239-240, 481-484, 517, 612-614.

4-21695

JK241.S96

- 555 **Thayer, James Bradley.** Cases on constitutional law. With notes.

Cambridge [Mass.] C. W. Sever and company, 1895. 2 v. 25½cm.

Treaty-making power: p. 87-88. Great scope of the treaty-making power: p. 373 n.

6-5685

JK241.T37

- 556 **Thorpe, Francis Newton.** The constitutional history of the United States. 1765-1895.

Chicago, Callaghan & company, 1901. 3 v. maps. 22½cm.

Authority of a treaty: v. 2, p. 343.

Feb. 28, 1901-98

JK31.T6

- 557 **Tiffany, Joel.** A treatise on government, and constitutional law; being an inquiry into the source and limitation of governmental authority, according to the American theory.

Albany, W. C. Little, 1867. vi p., 1 l., [9]-398, [3]-179 p. 24^{cm}.

Defects of confederation in respect to treaties: p. 93; Power to make treaties under the Constitution: p. 344; Subject of treaties discussed: p. 344-348; Practice in making treaties: p. 346-348.

9-21639

JK241.T56

- 558 **Tucker, Henry St. George.** Limitations on the treaty-making power under the Constitution of the United States.

Boston, Little, Brown, and company, 1915. xxi, 444 p. 24¹/₂^{cm}.

15-8092

JK570.T8

- 559 **Tucker, John Randolph.** The Constitution of the United States. A critical discussion of its genesis, development, and interpretation. Ed. by Henry St. George Tucker.

Chicago, Callaghan & co., 1899. 2 v. 24^{cm}.

Treaties, etc.: p. 376, 720-732, 822; Emphasis placed on the limitations of the treaty-making power.

99-2353

JK241.T9

- 560 **Tucker, St. George.** View of the Constitution of the United States.

(In Blackstone's commentaries . . . By St. George Tucker, v. 1, p. 140-377. Philadelphia, 1803.)

Treaty-making power: p. 253, 264, 309, 332-336, 373.

- 561 **Watson, David Kemper.** The Constitution of the United States, its history, application and construction.

Chicago, Callaghan & company, 1910. 2 v. 24¹/₂^{cm}.

Treaty making power: p. 2, p. 948-967.

10-19949

JK268.W3

- 562 **Whiting, William.** War powers under the Constitution of the United States. 43d ed.

Boston, Lee and Shepard; New York, Lee, Shepard and Dillingham, 1871. xxviii, 695 p. 23¹/₂^{cm}.

Treaties modifying the law of nations: p. 340-352; How aliens are affected by treaties of commerce: p. 352-354.

9-23595

JK560.W7 1871

- 563 **Willoughby**, Westel Woodbury. The constitutional law of the United States.

New York, Baker, Voorhis & company, 1910. 2 v. 24^{cm}.

See chap. 34-35.

10-25891

JK268.W6

- 564 **Wilson**, James, *and* Thomas M'Kean. Commentaries on the Constitution of the United States of America, with that Constitution prefixed, in which are unfolded, the principles of free government, and the superior advantages of republicanism demonstrated. The whole extracted from debates, pub. in Philadelphia by T. Lloyd.

London, Printed for J. Debrett, 1792. 1 p. l., [5]-147, [2] p. 20¹/₂^{cm}.

Wilson on treaties: p. 96, 111-113.

9-21071

JK171.W7

CONSIDERATIONS IN RESPECT TO SPECIAL TREATIES

1778—FRANCE

- 565 **Depew**, Chauncey M. Our first treaty with France.
National review, May, 1912, v. 36: 150-156. AP4.N25,v.36

- 566 **Lyman**, Theodore. The diplomacy of the United States.
 Being an account of the foreign relations of the country,
 from the first treaty with France, in 1778, to the present
 time. 2d ed.—with additions.
Boston, Wells and Lilly, 1828. 2 v. 23cm.
 Treaties of amity and commerce and of alliance of 1778, with
 France: v. 1, p. 22-69, 352-353.
 4-20773 JX1412.L9 1828

- 567 **Raynal**, Guillaume Thomas François. The revolution of
 America. New ed.
Edinburgh, 1783. vi p., 1 l., 191 p. 18cm.
 Appendices: no. 1. Treaty of friendship and commerce be-
 tween the court of Versailles and the United States of
 America, signed Feb. 6, 1778.
 2-3699 E211.R27

- 568 **Trescot**, William Henry. The diplomatic history of the ad-
 ministrations of Washington and Adams, 1789-1801.
Boston, Little, Brown and company, 1857. x, [2], 283 p.
21cm.
 Treaties with France declared void: p. 194.
 7-3221 E312.T79

- 569 **U. S. Congress.** Abridgment of the Debates of Congress, from
 1789 to 1856. From Gales and Seatons' Annals of Con-
 gress; from their Register of debates; and from the of-
 ficial reported debates, by John C. Rives. By the author
 of the Thirty years' view [Thomas Hart Benton].
New York [etc.] D. Appleton and company [etc.] 1857-61.
16 v. 26cm.
 Abrogation of French treaties: v. 2, p. 310-316.
 15-8704 J15.B4,v.2

570 **U. S.** *5th Congress.* The debates and proceedings in the Congress of the United States. May 15, 1797, to March 3, 1799, inclusive.

Washington: Gales and Seaton, 1851. 3 vols. 8°. (Annals of Congress, vols. 7-9.)

Abrogation of French treaties, col. 586, 587, 588, 602, 2035, 2037, 2063, 2116, 2127, 2132, 3754.

Discussed and action taken in 1798. Among those who discussed the matter in the House were Sewall, Nicholas, Dana, Otis, Bayard, Kittera, Gordon, S. Smith, Gallatin and Edmond.

"An act to declare the treaties heretofore concluded with France, no longer obligatory on the United States." Approved July 7, 1798, col. 3754.

571 ——— *5th Congress, 2d session.* [Report by Mr. Goodhue from the Committee on foreign relations, recommending the abrogation of the French treaties.] June 21, 1798.

(In U. S. 56th Congress, 2d session. Senate doc. no. 231. Compilation of reports of the Committee on foreign relations, part 8, p. 10-11. Washington, 1901. 23^{cm}.)

JX234.A2.v.8

1790—CREEK INDIANS

572 **B.** [Communication on the treaty of 1790 with the Creeks.] *Daily National Intelligencer, Washington, Feb. 23, 1816, page 2.*

See Jefferson's Works, ed. by H. A. Washington, v. 6, p. 557-560, for comment on this communication and a discussion of Jefferson's views.

573 **Jackson, Mrs.** Helen Maria (Fiske) Hunt. A century of dishonor; a sketch of the United States government's dealings with some of the Indian tribes; by Helen Jackson (H. H.) New ed., enl. by the addition of the report of the needs of the mission Indians of California.

Boston, Roberts brothers, 1885. w, 514 p. 19^{cm}.

2-15270

E93.J13

574 **Jefferson, Thomas.** The writings of Thomas Jefferson: . . . With explanatory notes, tables of contents, and a copious index to each volume, as well as a general index to the whole, by the editor H. A. Washington. [Vols. 6 and 7] *Washington, D. C., Taylor & Maury, 1854. 2 v. 23½^{cm}.*

On the treaty with the Creeks, v. 6, p. 557-560; "Opinion in regard to the continuance of the monopoly of the com-

merce of the Creek nation, enjoyed by Col. McGillivray, July 29, 1790," v. 7, p. 504-506.

Jefferson afterwards qualified the statement made in this opinion as to the treaty-making power. See note, p. 505; also Washington's Jefferson, v. 4, p. 134-135, 497, 500; and Story On the Constitution, 5th ed., v. 2, p. 609.

6-7150

E302.J464,v.6,7

575 **Jefferson, Thomas.** The writings of Thomas Jefferson, collected and ed. by Paul. Leicester Ford. [Vol. 5.]

New York, G. P. Putnam's sons, 1895. xxviii, 515 p. 23½ cm.

"Opinion in regard to the continuance of the monopoly of the commerce of the Creek nation, enjoyed by Col. McGillivray, July 29, 1790," p. 215-216. For later views on the treaty-making power, see note 1, p. 216; also, Ford's Jefferson, v. 7, p. 67-68; Washington's Jefferson, v. 4, p. 134, 497, 500; and Story On the Constitution, 5th ed. v. 2, p. 609.

2-5666

E302.J466,v.5

576 **Marshall, John.** The life of George Washington . . . Compiled under the inspection of the honourable Bushrod Washington, from original papers bequeathed to him by his deceased relative. 2d ed., rev.

Philadelphia, James Crissy, 1832. 2 v. front. 22½ cm.

Treaty with the Creek Indians, allowing the free importation of goods through the United States, v. 2, p. 192-193, and note iv, v. 2, pt. 2, p. 4.

15-1321

E312.M35

577 **Story, Joseph.** Commentaries on the Constitution of the United States: with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution. 5th ed., by Melville M. Bigelow.

Boston, Little, Brown, and company, 1905, 1891. 2 v. 24 cm.

Note on the treaty with the Creek Indians, v. 2, p. 609.

8-27554

JK211.S72

578 **U. S.** 1st Congress. The debates and proceedings in the Congress of the United States. Vol. I, comprising (with vol. II) the period from March 3, 1789, to March 3, 1791, inclusive.

Washington: Gales and Seaton, 1834. 4°. (Annals of Congress, v. 1.)

Bill providing for the expenses attending negotiations for treaties with the Creeks, etc., considered in the House, col. 698-703; Bill in the Senate, col. 62-64. Message from the

President of the United States, on the treaty with the Creeks, col. 1024-1025. Secret article relating to the free importation of goods, col. 1025. Execution of secret article, col. 1025.

- 579 **Washington, George.** The writings of George Washington; . . . with a life of the author, notes, and illustrations. By Jared Sparks. Volume XII.

Boston, John B. Russell, 1837. viii, 592, (1) p. 26^{cm}.

Message to the Senate; on a treaty with the Creek Indians, August 4, 1790, p. 84-85. Message to the Senate; on a treaty with the Creek Indians, August 7th, 1790, p. 86-87. These messages are also printed in American State Papers, Indian affairs, v. 1, p. 80, 81, (the treaty, p. 81-82); and in the Journal of the executive proceedings of the Senate, v. 1, p. 55-56, 58. (ratification of the treaty, p. 61-62.)

5-14201

E312.7.1834,v.12

- 580 ——— The writings of George Washington, collected and edited by Worthington Chauncey Ford. Vol. 11, 1785-1790.

New York and London: G. P. Putnam's sons, 1891. xxi, (1), 510 p. 23½^{cm}.

Treaty with the Creek Indians, p. 421-424, 495.

2-5665

E312.7.1889,v.11

1794—GREAT BRITAIN (JAY TREATY)

- 581 **Adams, John.** The works of John Adams, second president of the United States: with a life of the author; notes and illustrations, by his grandson Charles Francis Adams.

Boston: Little, Brown and co. 1850-1856. 10 v. 22½^{cm}.

The treaty with Great Britain, negotiated by Mr. Jay, v. 1, p. 471, 477, 481, v. 9, p. 18, 27, 36, 40, 74, 138.

8-19755

E302.A26

- 582 The **American** remembrancer; or, An impartial collection of essays, resolves, speeches, &c. relative, or having affinity, to the treaty with Great Britain.

Philadelphia, Printed by H. Tuckniss, for M. Carey, 1795-[96] 3 v. 21½^{cm}.

Together with the discussions of the expediency of the Jay treaty are occasional observations on the constitutional limitations on the treaty-making power. Included in the collection are speeches and essays by Charles Pinckney, Hamilton [Camillus], Mathew Carey [Caius]. R. R. Livingston [Cato], and others.

9-757

E311.A48

- 583 **Ames**, Fisher. The speech of Mr. Ames, in the House of representatives of the United States, when in committee of the whole, on Thursday, April 28, 1796, in support of the following motion: Resolved, That it is expedient to pass the laws necessary to carry into effect the treaty lately concluded between the United States and the king of Great Britain.

Philadelphia, Printed by J. Fenno, 1796. 2 p. l., 59 p. 22½^{cm}.
6-7513 E314.A51

- 584 ——— *Same.* [2 ed.]

Boston, Printed by Jno. & J. N. Russell; sold by them; and by William P. Blake [1796] 52 p. 23½^{cm}.
16-25949 E314.A5

- 585 ——— *Same.*

(*In his Works.* With a selection from his speeches and correspondence. Ed. by his son, Seth Ames, v. 2, p. 37-71. Boston 1854. 24^{cm}.)

E302.A52,v.2

- 586 ——— *Same.*

(*In American oratory*, p. 94-121. Philadelphia, 1836. 8°.)

- 587 ——— *Same.*

(*In Johnston*, Alexander. British orations, [vol. 1] p. 112-130. New York, 1896. 18½^{cm}.)

E173.J73,v.1

Also given in U. S. 4th Cong., 1st sess. House of Representatives. Debates, part 2. Upon the subject of the British treaty, p. 308-334. Philadelphia, 1796. 21½^{cm}.

JK573.1796.A5

- 588 **Butler**, Pierce. Letter to Madison. Philadelphia, June 12, 1795. Acknowledging a letter. Reading of the [British] treaty in the Senate. Sends Madison a part of the document to read and send to Jefferson and to not communicate it further. A few copies only printed. Its constitutionality questioned. Its ratification problematical. 3 p. 4°.

Ms. Department of State.

- 589 [**Cobbett**, William.] A little plain English, addressed to the people of the United States, on the treaty negotiated with his Britannic Majesty, and on the conduct of the President relative thereto; in answer to "The letters of Franklin." With a supplement, containing an account of the

turbulent and factious proceedings of the opposers of the treaty. By Peter Porcupine [*pseud.*]
Philadelphia, printed: London, Reprinted: for F. and C. Rivington, 1795. 8, 111 p. 21½cm.

8-S359

E311.F835

590 ——— *Same.*

Philadelphia, T. Bradford, 1795. 8, 111 p. 22½cm.

8-S361

E311.F834

591 ——— The political censor, or monthly review of the most interesting political occurrences, relative to the United States of America. By Peter Porcupine [*pseud.*] [April and May, 1796]

Philadelphia: Printed for Benjamin Davies, 1796. 2 nos. 22½cm.

The April and May numbers contain reports of the debate in the House of Representatives on the Jay treaty, and comments by Cobbett. See p. 73-195.

E311.C66

592 **Conway**, Moncure Daniel. Omitted chapters of history disclosed in the life and papers of Edmund Randolph, governor of Virginia; first attorney-general United States, secretary of state.

New York & London, G. P. Putnam's sons, 1888. vi, 401 p. front. (port.) pl., tab. 24½cm.

British treaty: p. 220-221, 227, 233, 246, 248, 253, 255, 260, 264, 292, 341, 354.

12-31573

E302.6.R18C7

593 [**Dallas**, Alexander James] Features of Mr. Jay's treaty.

(In *Gt. Brit. Treaties, etc., 1760-1820* (George III) Treaty of amity, commerce, and navigation, between His Britannic Majesty, and the United States of America. . . . *Philadelphia, 1795. 21½cm. p. 109-151*)

10-227

E314.G781

594 [———] Features of Mr. Jay's treaty. To which is annexed a View of the commerce of the United States, as it stands at present, and as it is fixed by Mr. Jay's treaty.

Philadelphia, Printed by Lang & Ustick, for Mathew Carey, 1795. 51 p. 20½cm.

[Bailey pamphlets, v. 9, no. 1]

[Duane pamphlets, v. 16, no. 4]

12-28262

AC901.D8 vol.16

- 595 **Dallas**, Alexander James. Features of Mr. Jay's treaty. To which is annexed a View of the commerce of the United States, as it stands at present, and as it is fixed by Mr. Jay's treaty.

(*In* Life and writings of Alexander James Dallas, p. 160-210. Philadelphia, 1871. 23½^{cm}.)

"The British treaty and the constitution of the United States are at war with each other," p. 183 et seq.

E302.D14D2

- 596 **Elliot**, Jonathan. The debates in the several state conventions, on the adoption of the Federal Constitution, as recommended by the general convention at Philadelphia in 1787. Vol. 4, 2d ed., with considerable additions.

Washington: Printed for the editor, 1836. xii, 639 p. 24^{cm}.

"Treaty-making power.—(Jay's treaty.)," p. 435-438. Discussions in the House of Representatives.

JK141.1836,v.4

- 597 **Ellsworth**, Oliver. Letter to Honorable Mr. Trumbull. Dated Philadelphia, March 13, 1796. Grant of the treaty-making power. Effect of treaties. Conflict of a treaty with existing laws, etc. Treaty and statute-making power both essential to regulate commerce with foreign nations and the two powers are reconcilable. The claim of the House of Representatives to participate in or control the treaty-making power is as unwarranted as it is dangerous. The obligation to appropriate money in the case of the pending treaty is indispensable. 9 p.

Ms. Library of Congress. Letters to Washington. Vol. 117. Miscellaneous.

- 598 **Franklin**, *pseud.* Letters of Franklin on the conduct of the executive, and the treaty negotiated, by the chief justice of the United States, with the court of Great-Britain.

Philadelphia, Printed by E. Oswald, 1795. 56 p. 22½^{cm}.

Originally published in the Independent gazetteer.

11-24291

E314.F83

- 599 **Gallatin**, Albert. On the British treaty—House of Representatives, April 26, 1796.

(*In* Johnston, Alexander. American orations, [vol. 1] p. 84-111. New York, 1896. 18½^{cm}.)

E173.J73,v.1

Also given in U. S. 4th Cong., 1st sess., House. Debates, pt. 2.

Upon the subject of the British treaty, p. 252-271. Philadelphia, 1796. 21½^{cm}.

JK373.1796.A5

- 600 ——— *Same.*

(*In* Moore, Frank. American eloquence, v. 2, p. 133-143. New York, 1862. 25½^{cm}.)

E302.1.M82

- 601 **Gallatin, Albert.** [On the constitutional power of the House with respect to treaties. March 7, 9, 24 and 31, 1796.]

(*In* U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 13-15, 44-53, 326-348, 367. Philadelphia, 1796. 21½^{cm}.)

JK573.1796.A5

- 602 ——— [Letter] to John Forsyth, Jan. 31, 1816.

(*In* The Writings of Albert Gallatin, ed. by Henry Adams, v. 1, p. 684-687. Philadelphia, 1879. 25^{cm}.)

A review of treaties to which effect was given by legislative act. Dwells especially on the Jay treaty.

E338.G16.v.1

- 603 **Gibbs, George.** Memoirs of the administrations of Washington and John Adams, ed. from the papers of Oliver Wolcott, secretary of the Treasury.

New York, Printed for the subscribers [W. Van Norden, printer] 1846. 2 v. front. (port.) 23^{cm}.

The Jay treaty: v. 1, p. 307-319.

5-36490

E311.G44

- 604 **Giles, William B.** [On the constitutional power of the House with respect to treaties. March 7, 11, and 31, 1796.]

(*In* U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 6, 83-97, 364, 365, 369. Philadelphia, 1796. 21½^{cm}.)

JK573.1796.A5

- 605 **Gt. Brit.** *Treaties, etc., 1760-1820 (George III)* Treaty of amity, commerce, and navigation, between His Britannick Majesty and the United States of America, signed at London, the 19th of November, 1794. Published by authority.

Quebec, Printed by command of the governor by W. Vondenvelden, 1796. 45 p. 24½^{cm}. (In Gt. Brit. Laws, statutes, etc. A collection of the acts . . . relative to Canada. Quebec, 1800)

"Explanatory article"; p. [41]-45.

6-10401

- 606 **Griswold, Roger.** [On the constitutional powers of the House with respect to treaties. March 10, 1796.]

(*In* U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 56-63. Philadelphia, 1796. 21½^{cm}.)

JK573.1796.A5

607 [Hamilton, Alexander] Defence of Mr. Jay's treaty.

(In *The American remembrancer*. Philadelphia, 1795-[96]
21½^{cm}. v. 1, p. 47-98, 174-199, 253-287; v. 2, p. 18-34,
176-199; v. 3, p. 15-63, 153-216, 238-275)

Caption title.

In 38 parts; signed: Camillus.

No. 1-22 pub. separately, New York, 1795, under title: A defence of the treaty of amity, commerce, and navigation, entered into between the United States of America & Great Britain . . . 139 p. E314.H21

"Printed originally in the *Minerva*. The joint work of Hamilton, King, and Jay."—P. L. Ford, *Bibl. Hamiltoniana*, 1886, p. 47. On the same page may be found also a statement of the part taken by each writer in the composition of the work.

9-759

E311.A48

608 ——— The works of Alexander Hamilton, ed. by Henry Cabot Lodge.

New York & London: G. P. Putnam's sons, 1885-86. 9 v. 23½^{cm}.

Defence of Mr. Jay's treaty, "Camillus," v. 4, p. 369-524, v. 5, p. 3-332; Message from Washington to Congress, in reply to a call for papers relating to the treaty with Great Britain, v. 7, p. 118-137; Power of the House of Representatives in case of a treaty discussed in letters to Washington, William Smith, Rufus King, and Oliver Wolcott, v. 8, p. 381-395.

9-4588

E302.H23

609 Hunt, Charles Havens. Life of Edward Livingston.

New York, D. Appleton and company, 1864. xxiv, 448 p. incl. front. port. 23^{cm}.

Livingston on the treaty-making power: p. 68 *et seq.*

13-14393

E302.6.L78H93

610 Jefferson, Thomas. The writings of Thomas Jefferson, . . . With explanatory notes, . . . by the ed. H. A. Washington. Vol. 4.

Washington, D. C., Taylor & Maury, 1854. vii, (1), 597 p. 23½^{cm}.

Power of the House of Representatives in treaties discussed, p. 124, 125, 134-139; Accuracy of the President's recollection challenged, p. 136. *See also* p. 120-122, 126, 127, 131, 148, 465-466; and v. 9, p. 186-187, 190-191.

6-7150

E302.J464.v.4

611 ——— The writings of Thomas Jefferson, collected and ed. by Paul Leicester Ford. Vol. 7. 1795-1801.

New York, London, G. P. Putnam's sons, 1896. xxv, (1), 501 p. 23½^{cm}.

Power of the House of Representatives over treaties discussed, p. 40, 41, 59, 67-72; Abstract of arguments used by

John Marshall, p. 36-37; Accuracy of the President's recollection challenged, p. 70. *See also*, p. 27-33, 38-42, 44, 58, 62; v. 1, p. 273-274, 277-278, and v. 8, p. 212.

2-5666

E302.J466,v.7

- 612 ——— The Jeffersonian cyclopedia. A comprehensive collection of the views of Thomas Jefferson . . . Ed. by John P. Foley.

New York and London, Funk & Wagnalls company, 1900. xxii, (2), 1009 p. plates. ports. 25½cm.

"Jay treaty," p. 436-438.

0-4337

JK113.J4

- 613 **King**, Rufus. The life and correspondence of Rufus King, comprising his letters, private and official, his public documents, and his speeches. Ed. by his grandson Charles R. King.

New York, G. P. Putnam's sons, 1894-1900. 6 v. 6 front. (v. 1-5: ports.) 23½cm.

See on Jay treaty in the House of Representatives: v. 2, p. 39-43.

C-246

E302.K54

- 614 **Lee**, Charles. Attorney-general to Washington. March 26, 1796. Expresses the opinion that the House of Representatives has not the right, under the constitution, to demand and obtain the papers on the Jay treaty described in its resolution of March 24 without the consent of the President. 6 p.

MS. Library of Congress. Letters to Washington. vol. 117. Miscellaneous.

- 615 ——— Attorney general to Washington. March 29, 1796. Has examined the journals of the House of Representatives and has not met with any act of Washington's administration that contradicts the President's opinion relative to the right of the House to participate in making treaties. 1 p.

MS. Library of Congress. Letters to Washington. Vol. 117. Miscellaneous.

- 616 **Livingston**, Edward. [On the constitutional power of the House with respect to treaties, March 7, and 18, 1798.]

(In U. S. 5th Cong. 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 3, 4-5, 221-236. Philadelphia, 1796. 21½cm.)

JK373.1796.A5

- 617 [Livingston, Robert R.] Observations on Mr. Jay's treaty.
 (In The American remembrancer. Philadelphia, 1795-[96]
 21½^{cm}. v. 1, p. 114-122, 147-174, 219-252; v. 2, p. 3-13; v.
 3, p. 63-67)
 Caption title.
 In 16 parts; signed: Cato.
 Also pub. separately, New York, 1795, under title: Examina-
 tion of the treaty of amity, commerce, and navigation, be-
 tween the United States and Great Britain . . .
 "The authorship of this pamphlet has been ascribed to Hamil-
 ton, and to William Smith; but in a letter to James Monroe,
 Mr. Livingston states that he has replied to Camillus 'over
 my old signature—Cato.'"—P. L. Ford, Bibl. Hamiltoniana,
 1886, p. 47.
 9-758 E311.A48
- 618 Lyman, Theodore. The diplomacy of the United States
 Being an account of the foreign relations of the country,
 from the first treaty with France, in 1778 to the present
 time. 2d ed.—with additions.
Boston, Wells and Lilly, 1828. 2 v. 23^{cm}.
 Treaty of 1794 with Great Britain, v. 1, p. 154-208.
 4-2077? JX1412.L9 1828
- 619 McHenry, James. Secretary of war to Washington. March
 26, 1796. The House has no right to make the call for
 papers on the Jay treaty in the naked form it appears in.
 To give or to hold the papers is a question of expediency.
 Form of answer to the House suggested, setting forth
 theory of treaty-making power. 9 p.
 MS. Library of Congress. Letters to Washington. Vol. 117.
 Miscellaneous.
- 620 McMaster, John Bach. A history of the people of the United
 States, from the Revolution to the Civil War. Vol. II.
*New York: D. Appleton and company, [1900? Copyright,
 1885.] (2), xx, 656 p. fold. map. 22½^{cm}.*
 The British treaty of 1794, p. 189-307.
 E301.M16,v.2
- 621 Madison, James. Letters and other writings . . . Vol. II.
 1794-1815.
*Philadelphia: J. B. Lippincott & co., 1865. xxvii, (1),
 617 p. 24^{cm}.*
 Letters to Jefferson, Dec. 13 and 27, 1795, Jan. 10 and 31,
 Feb. 29, March 6 and 13, April 4, 11, 18 and 23, May 1, 9,
 and 22, 1796, p. 63, 69-72, 75-76, 85-91, 94-95, 98-101,
 103-104; Letters to James Monroe, Dec. 20, 1795, Jan. 26,
 Feb. 26, April 18, May 14, p. 64-67, 73, 82-83, 96-98, 101-
 102; Letter to Edmund Pendleton, Feb. 7, 1796, p. 77-78.

"There seem at present strong reasons to conclude that a majority will be firm in the doctrine that the House has a Constitutional right to refuse to pass laws for executing a Treaty, and that the Treaty power is limited by the enumerated powers."—Letter to Jefferson, March 13, 1796, p. 88.

Exception taken to the President's refusal to transmit the papers relating to the Jay treaty, p. 89-90, 94.

6-24330

E302.M18,v.2

622 **Madison, James.** [On the constitutional powers of the House with respect to treaties. March 7, 10, Apr. 6, 1796.]

(In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 15-16, 69-77, 375-385. Philadelphia, 1796. 21½^{cm}.)

JK573.1796.A5

623 **Marshall, John.** The life of George Washington . . . Compiled under the inspection of the honourable Bushrod Washington, from original papers bequeathed to him by his deceased relative. 2d ed., revised and corrected by the author.

Philadelphia, James Crissy, 1832. 2 v. 22½^{cm}.

Debates in the House of Representatives on the Jay treaty and the treaty-making power, v. 2, p. 377-385.

15-1321

E312.M35

624 **Meier, Ernst.** Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. viii, 368 p. 23^{cm}.

Der Handelsvertrag mit England; 1794: p. 173-177.

2-18652

JX4171.T5M4

625 **Muhlenberg, Frederick Augustus.** [Report on the treaty-making power.]

(In Journal of the House of Representatives, [reprinted ed.] 4th Congress, 1st session, April 7, 1796, page 499. Washington, 1826. 8°.)

626 **Pickering, Timothy.** Secretary of State to the President. March 29, 1796. Letter of transmittal to the President. 1 page. Accompanying papers as follows: Draught of proposed answer to the House of Representatives, with respect to its call for the papers relating to the negotiations with Great Britain, and in discussion of the treaty-making power. 9 p. Result of an examination of Mr. Livingston's speech on calling for the papers on the Jay treaty. 4 p.

Ms. Library of Congress. Letters to Washington. Vol. 117. Miscellaneous.

- 627 **Pitkin**, Timothy. A political and civil history of the United States of America, from the year 1763 to the close of the administration of President Washington, in March, 1797. *New Haven, H. Howe and Durrie & Peck, 1828. 2 v. front. (port.) 22½cm.*

The Jay treaty: v. 2, p. 442-478.

2-5355

E302.1.P682

- 628 **Randolph**, Edmund. The British treaty, 1795.

American historical review, Apr. 1907, v. 12: 587-599.

Documents as follows: Randolph to the President, June 25, 1795; Memorandum of facts to be recorded, June 27, 1795; Memorandum; Randolph to the President, July 12, 1895. The first three documents are in the Library of Congress, in Randolph's handwriting; the fourth is from a copy in the Department of State, Transcripts, XXII, 184-201.

E171.A57,v.12

- 629 ——— [Opinion, as secretary of state, on the constitutionality and expediency of empowering Mr. Jay to conclude a treaty of commerce with Great Britain. Submitted May 6, 1794.]

(*In* Conway, Moncure D. Omitted chapters of history disclosed in the life and papers of Edmund Randolph, p. 220-221. New York, 1888. 24½cm.)

E302.6.R18C7

Holds that (1) "to permit such a treaty to be signed by Mr. Jay, and transmitted for ratification, is to abridge the power of the senate to judge of its merits;" (2) "if he be permitted to sign a treaty of commerce, no form of expression can be devised to be inserted in it which will not be tantamount to a stipulation to ratify;" and (3), while the people of the United States desire a treaty, "no man can undertake to say that they would be contented with one or two articles only" as proposed by the secretaries of the Treasury and War Department.

This opinion is also printed in the Works of Alexander Hamilton, ed. by J. C. Hamilton, v. 4, p. 549-550, New York, 1851. The original ms. is in vol. 117, Letters to Washington, Miscellaneous. Library of Congress.

- 630 [———] A vindication of Mr. Randolph's resignation.

Philadelphia, Printed by S. H. Smith, 1795. 103 p. 21cm.

The British treaty: p. 97-98.

9-6130

E311.R2

- 631 **Rankin**, Robert Ream. The treaty of amity, commerce, and navigation between Great Britain and the United States, 1794.

(*In* California. University. University of California chronicle. Berkeley, 1907. 23cm. vol. IX, no. 2 suppl. April, 1907. 100 p. incl. map.)

Bibliography: p. 88-96.

14-9191

E314.R2

- 632 Schouler, James. History of the United States of America, under the Constitution. Rev. ed. Vol. 1. 1783-1801.

New York, Dodd, Mead & company, [1894] xiw, (1), 541 p. Folded map. 21½^{cm}.

E301.S372,v.1

The Jay treaty, p. 304-329.

- 633 Sedgwick, Theodore. On the constitutional powers of the House with respect to treaties. [March 11 and 31, 1796.]

(*In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties. p. 97-114, 364, 366. Philadelphia, 1796. 21¼^{cm}.*)

JK573.1796.A5

- 634 Treaty of amity, commerce, and navigation, between His Britannic Majesty and the United States of America, conditionally ratified by the Senate of the United States, at Philadelphia, June 24, 1795. To which is annexed, a copious index.

Philadelphia: Printed by Henry Tuckniss for Mathew Carey, 1795. 283 p. 16°.

——— *Same. 2d ed. Philadelphia: Printed by Lang & Us-tick, for Mathew Carey, 1795. 190 p. 8°.*

Deals more with the expediency of the treaty than with constitutional considerations.

- 635 Trescott, William Henry. The diplomatic history of the administrations of Washington and Adams, 1789-1801.

Boston, Little, Brown and company, 1857. w, [2], 283 p. 21^{cm}.

Negotiations and treaty with England: p. 63-128.

7-3221

E312.T79

- 636 U. S. Congress. Abridgment of the Debates of Congress, from 1789 to 1856. . . . [Thomas Hart Benton]

New York, D. Appleton and company, 1857-61. 16 v. 26^{cm}.

The treaty with Great Britain, v. 1, p. 639-702; Execution of the treaty p. 702-754; Message of the president declining to send papers, p. 692-693.

15-8704

J15.B4,v.1

- 637 ——— *4th Cong. 1st sess. The debates and proceedings in the Congress of the United States. . . . Dec. 7, 1795 to June 1, 1796, inclusive.*

Washington: Gales and Seaton, 1849. 26^{cm}. (Annals of Congress, v. 5.)

Treaty with Great Britain, col. 426-783. See also col. 969, 976 etc., for the debate on carrying the treaty into effect.

J11.A5,v.5

638 U. S. 4th Cong., 1st sess., 1795-1796. House. Debates in the House of representatives of the United States, during the first session of the Fourth Congress.

Philadelphia, Printed for B. F. Bache, by Bioren & Madan, 1796. 2 v. in 1. 21½cm.

CONTENTS.—pt. 1. Upon the constitutional powers of the House, with respect to treaties.—pt. 2. Upon the subject of the British treaty.

The debates were edited by Bache.

"The discussions . . . occupied the best parts of March and April, 1796. They were divided into two distinct debates, each consuming about a month. The first began on a preliminary resolution offered by Mr. Livingston, calling on the president to lay before the House a copy of the instructions to Mr. Jay, together with the correspondence and other documents relative to the treaty, excepting such as any existing negotiation might render improper to be disclosed, and continued after that resolution had passed and the President had refused to comply with it, upon further resolutions brought forward by Mr. Blount of North Carolina, protesting against the refusal. The second was upon a resolution making the appropriation for carrying the treaty into effect.

"These two debates brought out all the intellect and all the eloquence of the House. . . . A large number of orators, whose names oblivion has since overcome, vied in wisdom, temper and eloquence with such men as James Madison, William B. Giles, Theodore Sedgwick, and Fisher Ames. The celebrated Bostonian delivered, on this occasion, what is known as his greatest speech. . . .

"The members took sides at once, [after Mr. Livingston had brought forward his resolution,] and spoke alternately, for and against the resolution, from the 7th till the 24th of March. Gallatin, Madison, and Giles were among the earliest and most strenuous supporters of the resolution; Sedgwick, and John Williams of New York, were conspicuous in opposition to it." . . . —Hunt's Life of Edward Livingston, p. 67-69.

9-26624

JK573.1796.A5

639 Washington, George. The writings of George Washington; . . . With a life of the author, notes and illustrations. By Jared Sparks. [Vols. XI and XII.]

Boston: Russell, Shattuck, and Williams, [etc.] 1836-1837. 2 v. 26cm.

The British treaty, v. 11, p. 31, 32, 42, 43, 44, 46, 47, 50, 57, 58, 71, 104, 481; v. 12, p. 58, 66, 211, 212, 213, 214; Papers called for by the House of Representatives, v. 11, p. 115, 121, 122, 123; Message to the House of Representatives, March 30th, 1796, v. 12, p. 112-116.

5-14201

E312.7.1834,v.11,12

- 640 Washington, George. Writings . . . collected and edited by Worthington Chauncey Ford. Vol. 13. 1794-1798. *New York and London: G. P. Putnam's sons, 1892. xx, 501 p. 23½cm.*

Message to the House of Representatives refusing to send the papers relating to the Jay treaty, p. 177-180. *See also*, on the Jay treaty, p. 59, 153, 176, 188 and 208.

The message from Washington, refusing to send the papers relating to the Jay treaty to the House of Representatives is also printed in the Journal of the House of Representatives, 4th Cong., 1st sess., p. 292-296; in American State Papers. Foreign relations, v. 1, p. 550-551; Waites' State Papers and Publick Documents, v. 2, p. 102-105; and elsewhere. *See also* Lodge's edition of Hamilton's Works, v. 7, p. 118-137.

2-5665

E312.7.1889,v.13

- 641 Williams, John. [On the constitutional powers of the House with respect to treaties. March 21, and 31, 1796.]

(*In* U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 236-246, 365-366. Philadelphia, 1796. 21½cm.)

JK373.1796.A5

- 642 [Wolcott, Oliver.] To the president. March 26, 1796. [On the right of the House of Representatives to judge of a treaty, etc.]

(*In* Gibbs, George. Memoirs of the administrations of Washington and John Adams, v. 1, p. 310-317. New York, 1846. 23cm.)

E311.G44

1795—ALGIERS

- 643 Jefferson, Thomas. The writings of Thomas Jefferson: . . . With explanatory notes, . . . by the editor H. A. Washington. [Vols. 4 and 9]

Washington, Taylor & Maury, 1854. 2 v. 23½cm.

The treaty with Algiers and the rights of the House, v. 4, p. 136-139; v. 9, p. 106-107, 114-115.

6-7150

E302.J464,v.4,9

- 644 ——— The writings of Thomas Jefferson, collected and edited by Paul Leicester Ford. [Vols. 1 and 7.]

New York, London, G. P. Putnam's sons, 1892-1896. 2 v. 23½cm.

The treaty with Algiers and the rights of the House, v. 1, p. 183-184, 190-192; v. 7, p. 70-72.

2-5666

E302.J466,v.1,7

- 645 **Lyman, Theodore.** The diplomacy of the United States. Being an account of the foreign relations of the country, from the first treaty with France, in 1778, to the present time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23^{cm}.

Algiers: v. 2, p. 352-380.

4-20773

JX1412.L9 1828

- 646 **Trescot, William Henry.** The diplomatic history of the administrations of Washington and Adams, 1789-1801.

Boston, Little, Brown and company, 1857. x, [2], 283 p. 21^{cm}.

Relations with Algiers: p. 268-274.

7-3221

E312.T79

- 647 **U. S. 4th Cong., 2d sess., Senate.** Algiers. Report from the Committee to whom was referred the President's message . . . relative to our affairs with the Dey and regency of Algiers. Jan. 16, 1797.

(*In American state papers. Foreign relations, v. 1, p. 558. Washington, 1832.*) J33

On the provision necessary to make the treaty with Algiers effective. *In U. S. Annals of Congress (Gales & Seaton) v. 6, col. 1670-1671, 1763-1767, 1787, 2245-2246; Message from the President, with accompanying papers on the situation of affairs with the Dey and regency of Algiers, Jan. 9, 1797, v. 6, col. 2235-2245. Acts of appropriation, v. 6, cols. 2899, 2953. The message from the President and the accompanying papers, referred to him, are also given in American state papers. Foreign relations, v. 1, p. 553-558.* J33

- 648 **Wharton, Francis, ed.** A digest of the international law of the United States. 2d ed.

Washington: Government printing office, 1887. 3 v. 23½^{cm}.

Treaty with Algiers, v. 2, p. 79-80.

10-6949

JX237.W5 1887,v.2

1795—SPAIN

- 649 **Lyman, Theodore.** The diplomacy of the United States. Being an account of the foreign relations of the country, from the first treaty with France, in 1778, to the present time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23^{cm}.

Treaty of 1795 with Spain: v. 1, p. 209-282.

4-20773

JX1412.L9 1828

- 650 **Madison, James.** Letters and other writings. Published by order of Congress. Vol. 2. 1794-1815.

Philadelphia: J. B. Lippincott & co., 1865. xxxvii, (1), 617 p. 24^{cm}.

Constitutionality of the Spanish treaty, etc. p. 73, 82, 85, 86-87, 94.

6-24330

E302.M18,v.2

- 651 **U. S. 4th Cong.** The debates and proceedings in the Congress of the United States. [Comprising the period from December 7, 1795, to March 3, 1797, inclusive.]

Washington: Gales and Seaton, 1849. 2 v. 26^{cm}. (Annals of Congress, v. 5, 6.)

Act for making the Spanish treaty effective, Annals. v. 5, cols. 73, 74, 80, 821, 940, 951, 976, 1025, 1094-1095, 1299; Documents, etc., relative to the treaty, v. 6, cols. 2524-2560; Copy of the treaty, v. 6, cols. 2561-2568; Text of the act of appropriation, v. 6, col. 2899.

J11.A5,v.5,6

- 652 ——— *4th Cong., 1st sess.* The debates and proceedings in the Congress of the United States. [Comprising the period from December 7, 1795, to March 3, 1797, inclusive.]

Washington: Gales and Seaton, 1849. 2 v. 26^{cm}. (Annals of Congress, v. 5, 6.)

Appropriation to carry the treaty with Algiers into effect, Annals, v. 5, cols. 80, 784-785, 940-969, 975-976, 1140; v. 6, cols. 1570-1571.

J11.A5,v.5,6

1803—FRANCE (TREATY OF PARIS)

- 653 **Adams, Henry.** History of the United States of America, during the first administration of Thomas Jefferson.

New York, C. Scribner's sons, 1889. 2 v. double maps. 19^{cm}. [His History of the United States of America. v. 1-2]

The Louisiana treaty: v. 2, p. 25-115.

7-32890

E301.A21

- 654 **Barbé-Marbois, François, marquis de.** The history of Louisiana, particularly of the cession of that colony to the United States of America; with an introductory essay on the Constitution and government of the United States. Tr. from the French by an American citizen.

Philadelphia, Carey & Lea, 1830. xviii p., 1 l., [17]-455, [1] p. 22½^{cm}.

W. B. Lawrence, translator.

Constitutional considerations: p. 322-325.

"The President, with the advice and consent of the Senate, concludes treaties which are declared by the constitution to

be the supreme law of the land; but where an appropriation of money is required, it is necessary to pass an act of Congress, in which the House of Representatives must of course concur. In such cases, however, it has been supposed that the national faith is pledged to enact the laws proper to carry the treaties into effect."—*Translator's note, p. 325.*

1-8732

F369.B24

- 655 **Cession of Louisiana.** The various legislative acts to complete the cession of Louisiana occasioned debates in which the treaty making power was discussed. A resolution was introduced in the House of Representatives, Jan. 4, 1803, asking for "copies of such official documents as have been received by this Government," and was discussed by John Randolph, Roger Griswold, Calvin Goddard, Samuel W. Dana, Benjamin Huger.

(*In U. S. Annals of Congress (Gales & Seaton), v. 12, col. 312, 314-324, 325-338, 352-368.*)

J11.A5,v.12

- 656 ——— A resolution was introduced in the House of Representatives, Oct. 24, 1803, asking for "a copy of the treaty between the French Republic and Spain," with copies of such other documents, tending to ascertain whether, the United States have acquired any title to the province of Louisiana. This was discussed by Roger Griswold, John Randolph, Calvin Goddard, John Smilie, Joseph H. Nicholson, & Samuel L. Mitchell.

(*In U. S. Annals of Congress, (Gales & Seaton), v. 13 col. 385-419.*)

J11.A5,v.13

- 657 ——— The bill for carrying into effect the treaty by appropriation of thirteen millions was discussed in the House, Oct. 1803, by John Randolph, Roger Griswold, Samuel D. Purviance, James Elliot, Samuel Thatcher, Caesar A. Rodney, Samuel L. Mitchell, and Joseph H. Nicholson.

(*In U. S. Annals of Congress, (Gales & Seaton), v. 13, col. 432-489, 497-515, 545-549.*)

J11.A5,v.13

- 658 ——— The bill passed by the House, Oct. 26, 1803, appropriating \$13,000,000 for the purpose of carrying into effect the Louisiana treaty, was discussed in the Senate, Nov. 1803, by Samuel White, William Hill Wells, George Jackson, Robert Wright, Timothy Pickering, Jonathan Dayton, John Taylor, Uriah Tracy, John Breckenridge, Wilson Carey Nicholas, and William Cocke.

(*In U. S. Annals of Congress, (Gales & Seaton), v. 13, col. 35-74.*)

J11.A5,v.13

- 659 **Cooley**, Thomas McIntyre. The acquisition of Louisiana.
Indianapolis, The Bowen-Merrill company, 1887. [63]-93
p. 24½^{cm}. (Indiana historical society. Publications. vol.
II, no 3)
 An address delivered before the Indiana historical society,
 February 16, 1887. Originally issued as no. 3 of the Indi-
 ana historical society pamphlets.
 5-5635 F521.I41
- 660 **Edwards**, P. L. Congress and the Constitution. Precedent of
 the Louisiana purchase.
Albany law journal, Apr. 1902, v. 64:112-124.
- 661 **Elliot**, Jonathan. The debates in the several state conventions,
 on the adoption of the Federal Constitution, as recom-
 mended by the general convention at Philadelphia, in
 1787. Vol. 4, 2d ed., with considerable additions.
Washington: Printed for the editor, 1836. xii, 639p. 24^{cm}.
 "Louisiana treaty," p. 448-451. Discussions in the House
 of Representatives.
 JK141 1836,v.4
- 662 **Jefferson**, Thomas. The writings of Thomas Jefferson: . . .
 With explanatory notes, . . . by the ed. H. A. Washington.
 [V. 4, 8.]
Washington, Taylor & Maury, 1854. 2 v. 23½^{cm}.
 Constitutionality of the acquisition of Louisiana, discussed
 in letters to Breckinridge, Madison, Lincoln, and Nicholas,
 v. 4, p. 498-507. Appended to the letter to Madison (Aug.
 25, 1803) is a proposed amendment to the Constitution for
 the acquisition of Louisiana and Florida. Cession of
 Louisiana discussed in Jefferson's third annual message,
 v. 8, p. 24.
 6-7150 E302.J464,v.4,8
- 663 ——— The writings of Thomas Jefferson collected and ed. by
 Paul Leicester Ford. Vol. 8, 1801-1806.
New York, London, G. P. Putnam's sons, 1897. xxiv, 504
p. 23½^{cm}.
 Letter to John Dickinson, Aug. 9, 1803, touching on the con-
 stitutional difficulties in the way of the acquisition of
 Louisiana, p. 261-263. Acquisition discussed in Jefferson's
 third annual message, p. 268-269.
 2-5666 E302.J466,v.8
- 664 ——— [Letter] to Gallatin. Aug. 23, 1803.
 (In The writings of Albert Gallatin, ed. by Henry Adams, v.
 1, p. 144-145. Philadelphia, 1879. 25^{cm}.)
 Gives proposed amendments to the Constitution for the ac-
 quisition of Louisiana and Florida.
 E338.G16,v.1

- 665 **Lyman**, Theodore. The diplomacy of the United States. Being an account of the foreign relations of the country from the first treaty with France, in 1778, to the present time. 2d ed. with additions.

Boston: Wells and Lilly, 1828. 2 v. 23cm.

Cession of Louisiana, v. 1, p. 367-405; Claim under eighth article of treaty of Louisiana, v. 2, p. 177-190.

JK1412.L9 1828

- 666 **McMaster**, John Bach. A history of the people of the United States, from the Revolution to the Civil War. Vol. III. *New York: D. Appleton and company, 1892. (2), xvii, (1), 584 p. 22½cm.*

Jefferson's proposals to amend the Constitution regarding Louisiana, p. 1-3; Debate on right to call for treaty papers, p. 3-6; Arguments by Griswold against the constitutionality of the treaty with France, p. 6-8; Pickering's "partnership" theory, p. 8-9; Constitutional principles settled, p. 9.

E301.M16,v.3

- 667 **Meier**, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. viii, 368 p. 23cm.

Der Vertrag mit Frankreich über die Abtretung von Louisiana von 30 April 1803: p. 178.

2-18652

JX4171.T5M4

- 668 **Miller**, Samuel Freeman. Lectures on the Constitution of the United States.

New York and Albany: Banks and brothers, 1893. xxi, 765 p. 24cm.

"The acquisition of Louisiana," p. 128-132.

2-19694

JK241.M66

- 669 **Nicholas**, W. C. Letter to Jefferson. Warren, Sept. 3, 1803. On the power of the Government to acquire territory and admit new states. 4 p. 4°.

Ms. Department of State. Series 2, v. 63, no. 47.

- 670 **Schouler**, James. History of the United States of America, under the Constitution. Rev. ed. Vol. 2. 1801-1817.

New York, Dodd, Mead & company, [1894] xvii, (1), 527 p. 21½cm.

"The Louisiana purchase," p. 49-59.

E301.S372,v.2

- 671 **Sparks**, Jared. The life of Gouverneur Morris, with selections from his correspondence and miscellaneous papers . . .

Boston: Gray & Bowen, 1832. 3 v. 23cm.

Morris on the acquisition of Louisiana, v. 3, p. 183, 185, 203.

E302.6.M7S7

- 672 **Story, Joseph.** Commentaries on the Constitution of the United States—with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution. 5th ed., by Melville M. Bigelow.

Boston, Little, Brown, and company, 1905, 1891. 2 v. 24^{cm}.

Purchase of Louisiana, v. 1, p. 17, 386; v. 2, p. 172-175, 199-200.

8-27554

JK211.S72

- 673 **U. S. Congress.** Abridgment of the Debates of Congress, from 1789 to 1856 . . . [Thomas Hart Benton]

New York, D. Appleton and company, 1857-61. 16v. 26^{cm}.

Louisiana treaty in the Senate: v. 3, p. 9-20; in the House: p. 52-57, 61-72.

15-8704

J15.B4,v.3

- 674 ——— *8th Cong.* The debates and proceedings in the Congress of the United States. October 17, 1803, to March 3, 1805, inclusive.

Washington: Gales and Seaton, 1852. 26^{cm}. (Annals of Congress, v. 13.)

The Louisiana treaty, in the Senate, cols. 31-73, 105-106, 213;

In the House, cols. 382-420, 432-489, 497-515, 545-550. Constitutional principles involved are considered in the general range of the discussion.

J11.A5,v.13

- 675 ——— *8th Cong., 1st sess.* Message, transmitting conventions with France for the cession of Louisiana, and the liquidation of certain claims of American citizens; together with documents connected therewith. Oct. 21, 1803.

(In American state papers. Foreign relations, v. 2, p. 506-583.

Washington, 1832. F^o.)

J33

- 676 ——— *Dept of state.* State papers and correspondence bearing upon the purchase of the territory of Louisiana.

Washington, Govt. print. off., 1903. 299 p. 23^{cm}. (57th Cong., 2d sess. House. Doc. no. 431)

3-15294

E333.U55

- 677 ——— *Treaties, etc., 1801-1809 (Jefferson).* Message from the President of the United States, inclosing a treaty and conventions, entered into and ratified by the United States of America and the French republic, relative to the cession of Louisiana. 22d October, 1803. Read and referred to a committee of the whole House on Monday next.

[*Washington, 1803.*] 18 p. 22^{cm}.

11-27276

E333.U563

- 678 **U. S.** *Treaties, etc., 1801-1809 (Jefferson).* Treaty and conventions, entered into and ratified by the United States of America and the French republic relative to the cession of Louisiana.

[*Washington? 1803*] 16 p. 21½^{cm}.

5-4559

E333.U56

- 679 **Webster, Sidney.** Two treaties of Paris and the Supreme court.

New York and London, Harper & brother, 1901. 2 p. l., 132,

[1] p. 19½^{cm}.

1-26558

JV568.1901.W4

1815—GREAT BRITAIN

- 680 **Calhoun, John C.** Speech on the bill to regulate the commerce between the United States and Great Britain, according to the convention of the 3d of July, 1815; delivered in the House of Representatives, January 9th, 1816.

(*In his Works*, v. 2, p. 123-135. New York, 1856. 23^{cm}.)

E337.8.C136,v.2

An argument as to the limits of the treaty-making power.

"Whatever, then, concerns our foreign relations; whatever requires the consent of another nation, belongs to the treaty-making power, and can only be regulated by it; and it is competent to regulate all such subjects, provided [and here are its true limits] such regulations are not inconsistent with the constitution. If so, they are void. No treaty can alter the fabric of our government, nor can it do that which the constitution has expressly forbidden to be done; nor can it do that differently which is directed to be done in a given mode—all other modes being prohibited." . . . p. 132-133.

- 681 **Elliot, Jonathan.** The debates in the several state conventions, on the adoption of the Federal Constitution, as recommended by the general convention at Philadelphia, in 1787. Vol. 4, 2d ed., with considerable additions.

Washington: Printed for the editor, 1836. *xii*, 639 p. 24^{cm}.

"On the commercial treaty with Great Britain," p. 462-467.

Discussions in the House of Representatives.

JK141 1836,v.4

- 682 **Lyman, Theodore.** The diplomacy of the United States. Being an account of the foreign relations of the country from the first treaty with France, in 1778, to the present time. 2d ed. with additions.

Boston: Wells and Lilly, 1828. 2 v. 23^{cm}.

Commercial convention of 1815 with Great Britain, v. 2, p. 59-75.

4-20773

JX1412.L9 1828

683 **Meier, Ernst.** Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. xiii, 368 p. 23^{cm}.

See p. 179-180.

2-18652

JX4171.T5M4

684 **Pinkney, William.** Speech . . . on the treaty-making power, delivered in the House of Representatives of the United States, January 10, 1816.

(*In American oratory*, p. 303-319. Philadelphia, 1836. 8°.)

685 ——— *Same.*

(*In Wheaton, Henry.* Some account of the life, writings, and speeches of William Pinkney, p. 517-549. New York, 1826. 21¹/₂^{cm}.)

On the British convention of 1815.

E302.P65

686 ——— *Same.*

(*In Pinkney, William.* The life of William Pinkney, by his nephew, p. 337-361. New York, 1853. 23¹/₂^{cm}.)

E302.6.P6P6

687 **U. S. Congress.** Abridgment of the Debates of Congress, from 1789 to 1856. By [Thomas Hart Benton]

New York D. Appleton and company, 1857-61. 16 v. 26^{cm}.

Commerce with Great Britain.

Treaty-making power: v. 5, p. 446-460, 492-546.

15-8704

J15.B4,v.5

688 ——— *14th Cong., 1st sess.* The debates and proceedings in the Congress of the United States . . . Dec. 4, 1815, to April 30, 1816, inclusive.

Washington: Gales & Seaton, 1854. 26^{cm}. (Annals of Congress, v. 29.)

J11.A5,v.29

Bill concerning the convention to regulate the commerce between the territories of the United States and His Britannic Majesty, reported in the Senate, cols. 36-37; passed, col. 40; in House, col. 546; Laid on the table, col. 608; Twice read and referred to a committee of the whole, cols. 719-720; Passed by the House with amendments, col. 998; Returned to Senate from House, with amendments, and referred, col. 126; Senate disagrees to amendments, cols. 130-131; Conference asked and agreed upon, cols. 134, 136, 960, 979; Reports of Senate managers, cols. 160-161; Report of House managers, cols. 1018-1023; House recedes, cols. 1057-1058. House bill to regulate commerce, twice read, cols. 419-420; Discussed by House and laid on the table, col. 471; Ordered to a third reading, col. 545; Read a third time and passed, col. 674; in Senate, cols. 43, 44, 45, 46-89; Fails of a third reading, col. 89; Message to House, col. 719.

Message from the President transmitting proclamation, cols. 29-402. Copy of the British convention, together with papers and documents, cols. 1477-1506. Discussion of treaty-making power, etc., in Senate, by Mr. James Barbour, cols. 46-57; by Fromentin, cols. 57-65; by Mr. Roberts, cols. 65-74; by Mr. Macon, cols. 74-79; by Mr. Campbell, cols. 79-89. Discussions in the House, by Mr. Forsyth, cols. 473-478, 593-594, 605, 652-671; by Mr. Philip P. Barbour, cols. 478-482; by Mr. Gold, cols. 482-485, 594; by Mr. Hopkinson, cols. 485-489, 639-651; by Mr. Gaston, cols. 489-492; by Mr. Throop, cols. 492-494; by Mr. Gholson, cols. 522-525; by Mr. Calhoun, cols. 526-533, 605; by Mr. Randolph, cols. 533-538, 579-590, 591; by Mr. King, cols. 538-539; by Mr. Mills, cols. 539-542; by Mr. Reynolds, cols. 542-543; by Mr. Hardin, cols. 543-545; by Mr. Easton, cols. 546-554; by Mr. Cuthbert, cols. 554-557; by Mr. Tucker, cols. 557-564; by Mr. Pinkney, cols. 564-579, 590-591; by Mr. Pickering, cols. 594-595, 612-616; by Mr. Root, col. 595; by Mr. Robertson, cols. 595-599; by Mr. Wright, cols. 599-604; by Mr. Lowndes, cols. 604-605; by Mr. Hanson, cols. 605-608; by Mr. Stanford, cols. 608-611; by Mr. Taylor, cols. 616-623; by Mr. Wilde, cols. 623-631; by Mr. Sheffey, cols. 631-639; by Mr. Huger, cols. 672-674; by Mr. Lyon, cols. 884-897.

689 U. S. *14th Cong., 1st sess.* Report from the conferees of the Senate, upon the bill entitled "An act concerning the convention to regulate the commerce between the territories of the United States and his Britannic majesty. February 27, 1816. 3 p. 8°. (14th Cong., 1st sess. Ex. doc. no. 54.)

"The conferees of the Senate did not contest, but admitted the doctrine, that of treaties made in pursuance of the Constitution, some may not, and that others may call for legislative provisions to secure their execution, which provision Congress, in all such cases, is bound to make. But they did contend that the convention under consideration requires no such legislative provisions, because it does no more than suspend the alien disability of British subjects in commercial affairs, in return for the like suspension in favour of American citizens; that such matter of alien disability falls within the peculiar province of the treaty-power to adjust; that it cannot be securely adjusted in any other way, and that a treaty duly made, and adjusting the same, is conclusive, and by its own authority suspends or removes antecedent laws that are contrary to its provisions." Report presented by Rufus King.

690 ——— Report of the committee appointed on the part of the House of Representatives to confer with the committee on the part of the Senate, on the disagreeing votes

of the two Houses, upon the bill, concerning the convention to regulate the commerce between the Territories of the United States, and his Britannic majesty. February 19, 1816. 9 p. 8°. (14th Cong., 1st sess. Ex. doc. no. 52.)

"They are persuaded, that the House of Representatives does not assert, the pretension that *no* treaty can be made without their assent; nor do they contend that in *all* cases legislative aid is indispensably necessary, either to give validity to a treaty, or to carry it into execution. On the contrary, they are believed to admit. that to *some*, nay many treaties, *no* legislative sanction is required, no legislative aid is necessary. . . . "For if, as has been stated, the House of Representatives contend that their aid *is only in some* cases necessary, and if the Senate admit that in *some* cases it *is* necessary, the inference is irresistible, that the only question in each case that presents itself, is whether it be *one* of the cases in which legislative provision is requisite for preserving the national faith, or not." Report presented by John Forsyth.

1817—GREAT BRITAIN

- 691 **Boutell**, Henry Sherman. Is the Rush-Bagot convention immortal?

North American review, Sept. 1901, v. 173: 331-348.

AP2.N7,v.173

- 692 ——— [Naval armament upon the Great Lakes. Remarks in the House of Representatives, Jan. 24, 1901]

(In Congressional record, 56th Cong., 2d sess., v. 34, pt. 2, Jan. 24, 1901, p. 1392-1408.)

J11.R5,v.34,pt.2

Pp. 1393-1408 contain Senate ex. doc. no. 9, 52d Cong., 2d sess.

Serial no. 3055

- 693 **Callahan**, James Morton. The neutrality of the American lakes and Anglo-American relations.

Baltimore, The Johns Hopkins press, 1898. 199 p. 24^{cm}.
(*Johns Hopkins university studies in historical and political science* . . . series xvi, no. 1-4)

Agreement of 1817: p. 59-90.

H31.J6

1-10120

JX1423.C3

- 694 ——— The northern lake frontier during the civil war.

(In American historical association. Annual report for the year 1896, v. 1, p. 335-359. Washington, 1897. 8°.)

Substantially reproduced in the author's work, "The neutrality of the American lakes and Anglo-American relations," 1898.

E172.A60 1896,v.1

- 695 [Foster, John Watson] Limitation of armament on the Great Lakes.

Washington, D. C., The Endowment, 1914. 1 p. l., vii, 57 p. 24½^{cm}. (Carnegie endowment for international peace. Division of international law. Pamphlet no. 2)

"Report of the Honorable John W. Foster, secretary of state, in response to Senate resolution of April 11, 1892, relative to the agreement [April 28-29, 1817] between the United States and Great Britain concerning the naval forces to be maintained on the Great Lakes."

"Transmitted to the Senate, Dec. 7, 1892, by President Harrison, and printed in Sen. Ex. doc., no. 9, 52d Cong., 2d sess."

14-20283

JX1906.A3 no.2
JX1423.F7

- 696 Hunt, Harry E. Attacking the Rush-Bagot treaty.

Independent, Apr. 28, 1910, v. 68: 911-913.

AP2.I53,v.68

- 697 Levermore, Charles Herbert. The Anglo-American agreement of 1817 for disarmament on the Great Lakes.

Boston, World peace foundation, 1914. 28 p. 20½^{cm}. (World peace foundation. Pamphlet series . . . vol. iv, no. 4)

14-17747

JX1908.U5 vol.4,no.4

- 698 Mann, James R. [Naval armament upon the Great Lakes. Remarks in the House of Representatives, Jan. 24, 1901.]

(In Congressional record, 56th Cong., 2d sess., v. 34, pt. 2, p. 1392.)

J11.R5,v.34,pt.2

- 699 Scammell, E. H. The Rush-Bagot agreement of 1817.

Ontario historical society. Papers, 1915, v. 13: 58-66.

F1056.O58,v.13

- 700 Smith, William Alden. [Naval armament upon the Great Lakes. Remarks in the House of Representatives. Jan. 24, 1901.]

(In Congressional record, 56th Cong. 2d sess. v. 34, pt. 2, p. 1391-1392.)

J11.R5,v.34,pt.2

- 701 Sumner, Charles. Termination of treaties by notice. Remarks in the Senate, on a joint resolution to terminate the treaty of 1817 regulating the naval force on the Lakes, January 18, 1865.

(In his Works, vol. 9. p. 201-205, Boston, 1874. 8°)

E415.6.S93,v.9

- 702 U. S. *15th Cong., 1st sess.* Great Britain—Naval armament on the lakes. Communicated to the Senate, April 6, 1818. [Message from President Monroe, with accompanying papers.]

(In American state papers. Foreign relations, v. 4, p. 202-207. Washington, 1834. F°.)

Comprises, besides the President's message, the correspondence between the United States and Great Britain with respect to the naval armament of the two governments on the lakes, and the stipulations agreed upon by the two parties.

J33

- 703 ——— *33th Cong., 1st sess.* The Congressional Globe.

Washington: Congressional Globe office, 1864. 4 pts. 4°.

House joint resolution no. 91 "in relation to the treaty of 1817," introduced in House, p. 2909, and passed by that body, p. 3084; Received in the Senate, p. 3086, and referred to the committee on foreign relations, p. 3088.

Subject of naval force on the lakes discussed in connection with the proposed abrogation of the Canadian reciprocity treaty, pp. 2481-2483.

- 704 ——— *38th Cong., 2d sess.* The Congressional Globe.

Washington: The Congressional Globe office, 1865. 2 pts. 4°.

Senate resolution calling for information on the arrangement relating to the naval force on the lakes, p. 44; House joint resolution no. 91 reported in the Senate, with amendment, p. 292; Discussed by Messrs. Davis, Sumner, Johnson, Wilson, Saulsbury, Farwell, p. 311-315; Passed, p. 315; Received in House, from Senate, p. 337; Referred to committee on foreign affairs, p. 348; House concurs in Senate amendment, p. 596; Resolution signed by the President, p. 688. The text of the resolution is given in United States Statutes at Large, v. 13, p. 568.

- 705 ——— *Dept. of state.* Message from the President of the United States, communicating, in answer to a resolution of the Senate of the 15th of December, 1864, a report from the secretary of state, relative to an arrangement between the United States and Great Britain, relating to the naval force to be maintained upon the American lakes. Jan. 9, 1865.

[*Washington, 1865.*] 1 p. 23^{cm}. (*38th Cong., 2d sess. Senate. Ex. doc. no. 6.*)

Serial no. 1209

Makes reference to American State Papers, Foreign relations, v. 4, p. 202-207.

706 U. S. *Dept. of state.* Message from the President of the United States, in response to Senate resolution of April 11, 1892, relative to the agreement between the United States and Great Britain concerning the naval forces to be maintained on the great lakes. Dec. 7, 1892.

[*Washington, 1892*]. 59 p. 23^{cm}. (52^d Cong., 2^d sess. Senate. Ex. doc. no. 9.) Serial no. 3055

Known as Adees's report.

A report by the Secretary of State, John W. Foster, on the Senate resolution "that the Secretary of State be, and he is hereby, directed to inform the Senate whether the agreement entered into between the United States and Great Britain in the year eighteen hundred and seventeen, covering the question of the naval force to be maintained by the two governments on the Great Lakes of the United States, is now held to be in force by the Department of State, and what, if any, action has been taken by our Government to revive or put in force the terms of said agreement, and if so, under what authority or action on the part of our Government such agreement has been held to be in force since the giving of the required formal notice by the President to Great Britain in December, eighteen hundred and sixty-four, of a desire on the part of the United States to annul said agreement at the expiration of the six months from the date of said formal notice, and the ratification of said notice by the act of Congress of February ninth, eighteen hundred and sixty-five."

Gives a history of the agreement of 1817 from the outset, and of the circumstances which prompted the steps in 1865 to terminate it and afterwards to withdraw the notice of termination. Papers and correspondence on the subject are appended, including the note of Mr. Seward, dated Aug. 5, 1864, in reply to Lord Lyons, on the motion in Congress to abrogate the arrangement of 1817.

707 ——— Papers relating to foreign affairs, [1864, pt. 2; 1865, pts. 1 and 2.]

Washington: Government printing office, 1865-1866. 3 v. 23^{cm}.

Also appear as House ex. doc. no. 1, pt. 2. 38th Cong., 2^d sess., House ex. doc. no. 1, pts. 1, 2, 39th Cong., 1st sess.

Correspondence relating to armed vessels on the great lakes, 1864, pt. 2, p. 329, 338, 340, 343, 344, 595, 668, 715, 716, 717, 729, 739; 1865, pt. 1, p. 5, 164, 184, 197; 1865, pt. 2, p. 17, 18, 43, 174, 175, 192, 195, 196. Arrangement of 1817 remains in force, 1865, pt. 2, p. 192.

For note of Mr. Seward, dated Aug. 5, 1864, in reply to Lord Lyons, on the motion in Congress to abrogate the arrangement of 1817, see Senate ex. doc. no. 9, 52^d Cong., 2^d sess., p. 43.

- 708 U. S. *Navy dept.* War steamers—Northwestern lakes. Letter from the secretary of the navy, transmitting the information required by the resolution of the 12th instant, in relation to the construction of steamers or other vessels for the defence of the northwestern lakes. April 20, 1842.

[*Washington, 1842.*] 2 p. 23^{cm}. (27th Cong., 2d sess.
House Ex. doc. no. 199.) Serial no. 404

Reports that communications of value, though not entirely conclusive, have been received on the construction of steamers on the northwestern lakes, under the appropriation of Sept. 9, 1841.

- 709 ——— *President.* Message of the President of the United States at the commencement of the first session, of the fifteenth congress. Communicated to Congress, December 2, 1817.

(In American state papers. Foreign relations, v. 4, p. 129-132. Washington, 1834. F°.)

Notes, among other things, the conclusion of the arrangement for the reduction of the naval forces on the lakes, and gives provisions of the arrangement.

J33

- 710 ——— Message from the President of the United States, in compliance with a resolution of the Senate in relation to the military and naval preparations of the British authorities on the northern frontier of the United States. June 29, 1840.

[*Washington, 1840.*] 4 p. 23^{cm}. (26th Cong., 1st sess.
Senate Doc. no. 592.) Serial no 361

See also House ex. doc. no. 245, 26th Cong., 1st sess.

Serial no 369

- 711 ——— British naval armament on the lakes. Message from the President of the United States, transmitting the information required by the resolution of the House of Representatives of the 9th instant, relative to the present British naval armament on the lakes, &c, &c. March 28, 1840.

[*Washington, 1840.*] 4 p. 23^{cm}. (26th Cong., 1st sess.
House Ex. doc. no. 245.) Serial no. 366

The resolution of the House requested the President to communicate to that body "if compatible with the public service, whether the Government of Great Britain had expressed to the Government of the United States a desire to annul the arrangement entered into between the two Gov-

ernments, in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and, if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain."

- 712 U. S. *President*. Military preparation—Northeastern frontier. Message from the President of the United States, transmitting the information required by the resolution of the House of Representatives of the United States of the 6th of April last, respecting the military preparation of Great Britain on the northern and northeastern frontier of the United States, &c. June 29, 1840.

[*Washington, 1840.*] 4 p. 23^{cm}. (26th Cong., 1st sess. House Ex. doc. no. 245.)

Serial no. 369

Also notes the naval armaments on the Great Lakes. (See Senate doc. no. 592, 26th Cong., 1st sess.)

- 713 ——— Naval force on the lakes. Message from the President of the United States, in reply to the resolution of the House of Representatives of the 9th of March last, respecting the arrangement entered into with the government of Great Britain upon the subject of the naval force to be maintained upon the American lakes, &c. June 29, 1840.

[*Washington, 1840.*] 3 p. 23^{cm}. (26th Cong., 1st sess. House Ex. doc. no. 246.)

Serial no. 369

Contains the report of the major general commanding the army, giving the replies of several officers who had been written to on the subject.

- 714 ——— Message to the two houses of Congress at the commencement of the second session of the thirty-eighth Congress. Dec. 6, 1864.

(In U. S. 38th Cong., 2d sess. House. Ex. doc. no. 1, pt. 1, p. 1-14.)

Serial no. 1216

... "it has been thought proper to give notice that after the expiration of six months, the period conditionally stipulated in the existing arrangement with Great Britain, the United States must hold themselves at liberty to increase their naval armament upon the lakes, if they shall find that proceeding necessary," p. 5.

- 715 Waultrin, René. États-Unis d'Amérique et Grande Bretagne—Le traité Rush-Bagot, (1817), concernant le nombre des bâtiments armés à entretenir sur les Grands-Lacs, et son application.

Revue générale de droit international public, Sept.-Oct. 1911, v. 18: 583-586.

JX3.R56,v.18

- 716 **Wehberg, Hans.** Les traités sur la limitation des armements.
Revue politique internationale, no. 29, October, 1917.
 Section I.—Grande Bretagne et États-Unis; Traité de Rush-
 Bagot, 28 avril 1827.

- 717 **Wild, Robert.** The Rush-Bagot convention.
*(In State bar association of Wisconsin. Report, 1915. Mil-
 waukee, 1916. 23½^{cm}. p. 100-111.)*

1818—GREAT BRITAIN

- 718 **Anderson, Chandler P.** The final outcome of the fisheries ar-
 bitration.
American journal of international law, Jan. 1913, v. 7:
1-16. JX1.A6,v.7

- 719 **Hodgins, Thomas.** The prerogative right of revoking treaty
 privileges to alien subjects.
Canadian law times, Feb. 1909, v. 29: 105-129.

- 720 ——— *Same.* 2d ed.
Toronto, The Carswell company, limited [etc.] 1909. 27 p.
incl. map. 22½^{cm}.
 "From the Nineteenth century and after."
 12-18177 JX238.N69 1909
 Reviewed by Amos S. Hershey in *American journal of inter-
 national law, v. 4, 1910: 770.*

- 721 **McGrath, P. T.** The Atlantic fisheries dispute.
American review of reviews, June, 1910, v. 41: 718-724.
 AP2.R4,v.41

- 722 ——— The Newfoundland fishery dispute.
North American review, Dec. 7, 1906, v. 183: 1134-1143.
 AP2.N7,v.183

- 723 **Morine, Alfred B.** Newfoundland and her fishing rights.
Canada law journal, Dec., 1906, v. 42: 737-741.

On the dispute between Newfoundland, England and the
 United States as to fisheries under the treaty of 1818. Shows
 that Newfoundland places a narrow interpretation on the
 words of the treaty and holds that "the colonial government
 should maintain the spirit of Imperial promises even at great
 sacrifice."

- 724 ——— The Newfoundland fisheries' dispute.
Canadian law review, Nov. 1906, v. 5: 414-417.

- 725 U. S. Congress. Senate. Committee on foreign relations. Mr. Edmunds, . . . Report (executive no. 3) on the treaty (Ex. M.) between the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888; which together with the view of the minority on the same subject, submitted by Mr. Morgan, was ordered to be printed in confidence for the use of the Senate. May 7, 1888.

[Washington, 1888.] 165 p. 23^{cm}. (50th Cong. 1st sess. Senate. Misc. doc. no. 109.)

Serial no. 2517

Incorporated is a protest (page 36) against the claim "that the Senate, without whose advice and consent no treaty can be concluded, has no right to be informed, confidentially, of the course of negotiations and discussions and the various propositions and arguments *pro* and *con* arising in the negotiation of a treaty." The minority discuss the objection (page 39) that the treaty of February 15, 1888 was "negotiated and signed by persons who were not duly empowered, under the Constitution and laws of the United States, to conduct and conclude a treaty," and with reference to the fact that two of the plenipotentiaries concerned had acted without a confirmation by the Senate, give, on pp. 110-134, "a statement of the persons employed by the United States, in conducting negotiations, since 1789," of whom "the whole number of persons appointed or recognized by the President, without the concurrence or advice of the Senate or the express authority of Congress, as agents to conduct negotiations and conclude treaties is four hundred and thirty-eight," (page 103)

1819—SPAIN

- 726 Clay, Henry. On the Spanish treaty. In the House of Representatives, April 3, 1820.

(In *his* Speeches, ed. by Calvin Colton, v. 1, p. 205-217. New York, 1857.)

"Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty?" p. 211 *et seq.*

- 727 Onís, Luis de. Memoir upon the negotiations between Spain and the United States of America, which led to the treaty of 1819. With a statistical notice of that country. Accompanied with an appendix, containing important documents for the better illustration of the subject. Tr. from the Spanish, with notes, by Tobias Watkins.

Baltimore, F. Lucas, junr., 1821. 152 p. 20 $\frac{1}{2}$ ^{cm}.

- 728 **Onís**, Luis de. Memoria sobre las negociaciones entre España y los Estados-Unidos de América, que dieron motivo al tratado de 1819. Con una noticia sobre la estadística de aquel país. Acompaña un Apéndice, que contiene documentos importantes para mayor ilustración del asunto.

Madrid, Impr. de D. M. de Burgos, 1820. 2 v. fold. map. 27^{cm}.

9-25896

F314.058

1826—DENMARK

- 729 [**Cushing**, Caleb.] Claim of the U. States on Denmark.

Boston monthly magazine, Jan., 1826, v. 1: p. 393-403.

AP2.B81,v.1

- 730 [**McDermott**, Hugh Farrar] Letters on the Sound-dues-question. I-VII.

New York, G. B. Teubner, printer, 1855. vi, 73, [1] p. 22¹/₂^{cm}.

Signed: "Pax."

9-34980

HE386.S7M2

- 731 **Schuyler**, Eugene. American diplomacy and the furtherance of commerce.

New York, C. Scribner's sons, 1886. xiv, 469 p. 21¹/₂^{cm}.

The Sound dues: p. 306-316.

10-16533

JX1407.S3

- 732 **Sumner**, Charles. The abrogation of treaties. Speeches in the Senate, March 6 and May 8, 1856.

(*In his Works.* v. 4, p. 98-120. Boston, 1871. 20¹/₂^{cm}.)

E415.6.S93,v.4

——— *Same.*

(*In Charles Sumner, His complete works, Statesman ed. v. 5, p. 98-120. Boston, 1900. 23^{cm}.*)

E415.6.S95,v.5

On the abrogation of the Danish convention of April 26, 1826.

Maintains that the power of abrogation belongs to the law-making power and is to be exercised only by act of Congress.

- 733 **U. S.** 34th Cong. 1st and 2d sess. The Congressional Globe. [vol. 32.]

Washington: Printed at the office of John C. Rives, 1856. 3 pts. 4°.

Resolution in the Senate relating to the sufficiency of the notice for the termination of the treaty with Denmark, of April 26, 1826, concerning the Danish Sound dues, p. 528, 599, 826, 1003, 1132, 1173, 1202, 1203, 1700. Remarks were made by Messrs. Bayard, Benjamin, Brodhead, Cass, Clayton, Collamer, Crittenden, Fessenden, Foot, Hale, Johnson, Jones of Iowa, Mallory, Mason, Seward, Stuart, Sumner, Toombs, Toucey, Wade, and Weller.

- 734 U. S. *Congress. Senate. Committee on foreign relations.*
 [Report . . . on the Senate resolution, "*Resolved*, That the Committee on Foreign Relations be directed to consider the expediency of some act of legislation, having the concurrence of both houses of Congress, by which the treaty with Denmark, regulating the payment of Sound dues, may be effectively abrogated, in conformity with the requirements of the Constitution, under which every treaty is a part of 'the supreme law of the land,' and in conformity with the practice of the government in such cases; and especially to consider whether there be any defect in the notice which has been given, which such legislation may be necessary to remedy." April 7, 1856.
Senate. Report no. 97.) Serial no. 836

"And whether it be competent, or not, to the President and Senate, as the treaty making power to abrogate treaties where no such right is reserved, (a question not necessary to be brought into discussion here.) the committee entertain no doubt that where the right to terminate a treaty at discretion is reserved in the treaty itself, such discretion resides in the President and Senate," p. 4.

The committee recommended the adoption of the following resolution: "*Resolved*, That the notice which has been given by the President to Denmark, pursuant to the resolution of the Senate of March 3, 1855, to terminate the treaty with that power of the 26th of April, in the year 1826, is sufficient to cause such treaty to terminate and be annulled to all intents whatsoever, pursuant to the eleventh article thereof; and that no other or further act of legislation is necessary, to put an end to said treaty, as part of the law of the land," p. 8.

- 735 ——— *Dept. of state.* Sound dues upon American commerce to the Baltic. Message from the President of the United States, transmitting correspondence in relation to the imposition of "Sound dues" upon our commerce to the Baltic. June 13, 1854.

[*Washington, 1854.*] 61 p. 23^{cm}. (33d Cong., 1st sess.
House. Ex. doc. no. 108.) Serial no. 726

- 736 ——— Message of the President of the United States, transmitting a copy of a convention between the United States, and His Majesty the king of Denmark for the discontinuance of the Sound dues. Jan. 14, 1858.

[*Washington, 1858.*] 3 p. 23^{cm}. (35th Cong., 1st sess.
Senate. Ex. doc. no. 28.) Serial no. 924

- 737 **U. S.** *Dept. of state.* Sound dues. Letter from the Secretary of state enclosing letters calling attention to the necessity of an appropriation to meet the interest on the sum stipulated to be paid to Denmark for the discontinuance of the Sound dues. Jan. 21, 1858.

[*Washington, 1858.*] 2 p. 23^{cm}. (*35th Cong., 1st sess.*
House. Ex. doc. no. 36.) Serial no. 955

- 738 **Webster, Daniel.** Sound dues at Elsinore, and the German Zoll-Verein. Mr. Webster to the President of the United States. May 24, 1841.

(*In his Works*, v. 6, p. 406-414. Boston, 1854. 22½^{cm}.)

E337.8.W24 1854,v.6

———. *Same.*

(*In his Writings and speeches.* National ed., v. 12, p. 80-88. Boston, 1903. 25^{cm}.)

E337.8.W24 1903,v.12

Briefly states the history and facts relating to the sound dues at Elsinore in order that, if it be deemed expedient, "instructions may be given to the representative of the United States at Denmark, to enter into friendly negotiations with that government, with a view of securing to the commerce of the United States a full participation."

1831—FRANCE

- 739 **The Annual register**, or a view of the history, politics, and literature, of the year 1834.

London, Printed for Baldwin and Cradock, 1835. viii, 471, (1), 400, 14 p. 23^{cm}.

Bill for satisfying the claims of the United States against France rejected by the Chamber of Deputies, pt. 1, p. 357-361.

D2.A7 1834

- 740 **Everett, Edward.** Remarks on the French question, in the House of representatives . . . on the 7th of February and 2d of March, 1835. With the reports of the majority and minority of the Committee of foreign affairs, on the same subject.

Boston, Nathan Hale, 1835. 31 p. 24^{cm}.

10-16829

JX238.F75 1835g

- 741 **Meier, Ernst.** Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. viii, 368 p. 23^{cm}.

See p. 179-180.

2-18652

JX4171.T5M4

742 **Treaties in the House.***Nation, Dec. 18, 1884, v. 39:516-517.*

AP2.N2,v.39

Includes citation from a letter by Wheaton on the French treaty.

- 743 **U. S. Congress.** Report of the commissioners under the act to carry into effect the late treaty with France, with a statement of the claims examined by them. June 7, 1834. [*Washington, 1834.*] 91 p. 23^{cm}. 23^d Cong., 1st sess. *Senate. Doc. 417.*)

Serial no. 242

744 ——— 23^d Cong., 2^d sess. Register of debates in Congress. Vol. II.*Washington: Gales and Seaton, 1835. 2 pts. 4^o.*

Relations with France discussed in the Senate, cols. 45, 104-108.

Discussed in the House, cols. 763-778, 795-796, 1129, 1515-1524, 1531-1565, 1570-1634, Remarks by Mr. Clayton, cols. 764-769, 775-776, 1595-1599; Mr. Claiborne, cols. 769-771; Mr. Wayne, cols. 772-774; Mr. Archer, cols. 774-775, 1537-1545; Mr. R. M. Johnson, cols. 776-777; Mr. J. Q. Adams, cols. 1532-1537, 1622-1630; Mr. Pickens, cols. 1545-1554; Mr. Bouldin, cols. 1554-1558; Mr. Cambreleng, cols. 1531-1532, 1558-1561; Mr. Burges, cols. 1561-1562; Mr. Coulter, cols. 1562-1565; Mr. E. Everett, cols. 1571-1577; Mr. Allen, cols. 1577-1590; Mr. Love, col. 1590; Mr. Moore, cols. 1590-1594; Mr. Sutherland, cols. 1594-1595; Mr. Robertson, cols. 1600-1606; Mr. Binney, cols. 1606-1615; Mr. Schley, cols. 1615-1617; Mr. Watmough, cols. 1618-1619; Mr. Beardsley, cols. 1620-1621; Mr. Hardin, cols. 1630-1631; Mr. Chilton, cols. 1631-1632.

The resolutions adopted by the House (see cols. 1633-1634) read as follows:

"*Resolved*, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on.

"*Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

"*Resolved*, That preparation ought to be made to meet any emergency growing out of our relations with France."

Papers, documents and correspondence on relations with France are given in the Appendix, (in pt. 2) p. 2-5, 108-144, 164-169, 177-185, 208-219, 271-277.

- 745 ——— *Congress. House. Committee on foreign affairs.* Relations with France. Report [from] the Committee on foreign affairs, to which was referred so much of the President's message as concerns our political relations

with France, and the correspondence between the ministers of the two governments. Feb. 27, 1835.

[*Washington, 1835.*] 21 p. 23^{cm}. (23^d Cong., 2^d sess. House Rept. no. 133.) Serial no. 276

Includes resolutions submitted to the House by the majority of the Committee, views of the minority of the committee, and resolutions offered by Mr. Adams as follows:

1. "Resolved, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.
2. "Resolved, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval, until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.
3. "Resolved, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

746 ——— *Senate. Committee on foreign relations.* Report [by Mr. Clay] from the committee on foreign relations, March 3, 1835.

[*Washington, 1835.*] 4 p. 23^{cm}. (23^d Cong., 2^d sess. Senate. Doc. no. 150.) Serial no. 269

On the President's message of Feb. 25, 1835.

747 ——— *Dept. of state.* Relations with France. Message from the President of the United States, transmitting copies of letters received from Mr. Livingston since the date of his message of the 6th instant, with his instructions and correspondence with the French government. Feb. 25, 1835.

[*Washington, 1835.*] 14 p. 23^{cm}. (23^d Cong., 2^d sess. House Ex. doc. no. 174.) Serial no. 274

Also printed as Senate doc. no. 145, 23^d Cong., 2^d sess.

Serial no. 269

748 ——— ——— Message from the President of the United States, in compliance with a resolution of the Senate, transmitting certain documents relating to the state of affairs with France. Feb. 15, 1836.

[*Washington, 1836.*] 89 p. 23^{cm}. (24th Cong., 1st sess. Senate. Doc. no. 161.) Serial no. 289

Discussion in the Chamber of Peers respecting the convention of 1831, p. 4-26.

- 749 U. S. *Dept of state*. Relations with France, and duties on silks and wines. Message from the President of the United States, transmitting reports from the secretary of state, secretary of the treasury; the former relating to the relations with France, and the latter to duties on wines and silks imported since 4th July, 1831. Feb. 18, 1836.

[*Washington, 1836.*] 121 p. 23^{cm}. (24th Cong., 1st sess. House Ex. doc. no. 117.) Serial no. 289

- 750 ——— *President*. Message from the President of the United States, to the two houses of Congress, at the commencement of the second session of the twenty-third Congress. Dec. 2, 1834.

[*Washington, 1834.*] 543 p. *Fold. diagr.* 23^{cm}. (23d Cong., 2d sess. House Ex. doc. no. 2.) Serial no. 286

Affairs with France, p. 6-12.

Appended (p. 393-543) is a translation from the Paris Moniteur, by order of the Secretary of State of the United States, of the "Proceedings and discussions in the French Chamber of Deputies, on the subject of the treaty between France and the United States, which was signed at Paris on the 4th of July, 1831, and the ratifications of which were exchanged at Washington on the 2d of February, 1832; from the first presentation of the treaty, on the 6th of April, 1833, to the refusal to carry it into effect on the 2d of April, 1834."

- 751 ——— French treaty. Message from the President of the United States, in relation to the late treaty with France. Feb. 6, 1835.

[*Washington, 1835.*] 5 p. 23^{cm}. (23d Cong., 2d sess. House Ex. doc. no. 136.) Serial no. 274

- 752 Wharton, Francis. A digest of the international law of the United States. 2d ed.

Washington: Govt. print. off., 1887. 3 v. 23¹/₂^{cm}.

Refusal of the French Chamber to make the appropriations, v. 1, p. 36, v. 3, p. 88-97. JX237.W5 1887

1832—RUSSIA

- 753 American Jewish year book. The passport question in Congress; reprint from the American Jewish year book 5670.

[*Philadelphia, The Jewish publication society of America, 1909?*] cover-title, p. [21]-43. 19^{cm}.

14-10834

JX4253.B8A6

- 754 **American Jewish year book.** The passport question; reprint from the American Jewish year book 5672.
New York, The American Jewish committee, 1911. cover-title, ii, 110 p. 19^{cm}.
 16-246S3 JX4253.R8A63
- 755 **Egert, B. P.** The conflict between the United States and Russia.
St. Petersburg, 1912. 50 p. 21^{cm}.
 14-17900 JX1428.R8E45
- 756 **Henriques, H. S. Q.** The Russian passport system; religious disabilities of foreigners.
Law magazine and review, May, 1914, v. 39: 320-326.
- 757 **L'incident** russo-américain relatif aux passeports des Juifs russes émigrés et naturalisés aux États-Unis.
Journal du droit international privé, 1912, v. 39: 159-168.
 JX6002.J5,v.39
- 758 **Kuhn, Arthur Kline.** International law and the discriminations practiced by Russia under the Treaty of 1832.
[Washington, D. C., Press of B. S. Adams, 1911] 19 p. 23^{cm}.
 "Prepared by request for the Board of delegates on civil rights of the Union of American Hebrew congregations and the Independent order of B'nai B'rith."
 12-9996 JX1428.R8K8
- 759 **Marshall, Louis.** Russia and the American passport. Address . . . to the delegates at the twenty-second council Union of American Hebrew congregations, Thursday, January 19, 1911, together with resolution unanimously adopted.
[New York, 1911] 16 p. 23½^{cm}.
 Issued also as U. S. Senate doc. 839, 61st Cong., 3d sess.
 11-5507 JX4253.R8M2
- 760 **The passport question** between the United States and Russia.
American journal of international law, Jan. 1912, v. 6: 186-191.
 JX1.A6,v.6
 On abrogating the Treaty of 1832.
- 761 **Sulzer, William.** The Russian passport question. Speech in the House of representatives, December 13, 1911.
[Washington, Govt. print. off., 1911] 8 p. 24^{cm}.
 CA 12-855 JX4253.R8S8

- 762 U. S. Congress. House. Committee on foreign affairs. The abrogation of the Russian treaty. Report <to accompany H. J. res. 166.>

[*Washington, Govt. print. off., 1911*] 14 p. 23½^{cm}. (62d Cong., 2d sess. House. Rept. 179)

Submitted by Mr. Sulzer.

Referred to the House calendar and ordered printed Dec. 12, 1911.

Joint resolution 166 provides for the termination of the treaty of 1832 between the United States and Russia on the ground that Russia has continually violated the provisions of the treaty by refusing to recognize passports granted to American citizens, on account of race or religion.

11-35948

JX4253.U6A5 1911

- 763 ———— Termination of treaty between the United States and Russia.

[*Washington, Govt. print. off., 1911*] 34 p. 23^{cm}.

Hearing of Feb. 16, 1911, on House joint resolution no. 284, providing for the termination of the treaty concluded at St. Petersburg, Dec. 18, 1832, on the ground that Russia has violated the treaty by imposing restrictions on American citizens of Jewish faith in Russia. D. J. Foster, chairman of committee.

JX234.A5 1911

————— [*Washington, Govt. print. off., 1911*] 64 p. 23^{cm}.

Hearings of Feb. 16 and Feb. 22, 1911.

11-35164

JX234.A5 1911a

- 764 ———— Termination of the treaty of 1832 between the United States and Russia. Hearing before the Committee on foreign affairs of the House of representatives, Monday, December 11, 1911.

Washington, Govt. print. off., 1911. 303 p. 23½^{cm}.

Hon William Sulzer, chairman.

Statements of William G. McAdoo, Mayer Sulzberger, Louis Marshall, Oscar S. Straus, etc.

JX1428.R8A5 1911

————— <Rev. ed.>

Washington, Govt. print. off., 1911. 336 p. 23½^{cm}.

"Appendix iv. The passport question in Congress, 1879-1909": p. 304-320.

12-3455-6

JX1428.R8A5 1911a

- 765 **U. S. Congress. Senate. Committee on foreign relations.** Treaty of 1832 with Russia. Hearing before the Committee on foreign relations, United States Senate, Sixty-second Congress on S. J. res. 60 . . . December 13, 1911. *Washington, Govt. print. off., 1911. 50 p. 23^{cm}.*

Shelby M. Cullom, chairman.

Statements of Louis Marshall, Mayer Sulzberger, and Oscar S. Straus, on a joint resolution providing for the termination of the treaty . . . concluded at St. Petersburg Dec. 18, 1832. Appendix (p. 43-50) consists of translations, as follows: Consular treaty between the German Empire and Russia of Dec. 8 (Nov. 28) 1874.—Treaty . . . between Austria-Hungary and Russia, of Feb. 2 (15) 1906.—Treaty . . . between France and Russia of March 20 (April 1) 1874, with modifications by the commercial convention of Sept. 16 (29) 1905.—Translation and summary of a debate in the French chamber of deputies, Dec. 27, 1909.

12-25038

JX1428.R8A5 1911b

- 766 ——— *President, 1909-1913 (Taft)* Treaty of 1832 between the United States and Russia. Message from the President of the United States, transmitting copy of a notice forwarded by the secretary of state to the American ambassador at St. Petersburg relative to the termination of the treaty of 1832 between the United States and Russia.

[*Washington, Govt. print. off., 1911*] 2 p. 24^{cm}. (62d Cong., 2d sess. Senate. Doc. 161)

11-35992

JX1428.R8A5 1911a

1844—GERMANIC STATES

- 767 **Calhoun, John C.** [Letter to Henry Wheaton. June 28, 1844.] (*In* Wheaton, Henry. Elements of international law, 8th ed., p. cvi-cviii, Boston, 1855. 23^{cm}.) Calhoun expresses regret at "the omission of the Senate to act finally on the treaty with the Zollverein States."

JX2495.E3 1855

- 768 **Fisk, George Mygatt.** Die handelspolitischen und sonstigen völkerrechtlichen Beziehungen zwischen Deutschland und den Vereinigten Staaten von Amerika. Eine historisch-statistische Studie.

Stuttgart, J. G. Cotta'sche Buchhandlung nachf., 1897. xiv, 254 p. 22½^{cm}. (Münchener volkswirtschaftliche Studien, hrsg. von L. Brentano und W. Lotz. 20. stück)

Die Versuche Wheatons, einen Vertrag mit dem Zollverein zu vereinbaren, p. 81-91.

G-1030

HF3099.F53

- 769 **K.**, I. L. Germany, and the commercial treaty of Berlin.
Hunt's merchants' magazine, Dec. 1844, v. 11: 491-501.
 HF1.M5,v.11
- 770 **Lawrence**, William Beach. Introductory remarks.
 (In Wheaton, Henry. Elements of international law. 6th ed.
 p. xii-cxciv. Boston, 1855. 23^{cm}.)
 P. xciii-cx outline Wheaton's negotiations with the Zollverein
 and include a letter of June 28, 1844, from J. C. Calhoun
 expressing regret at "the omission of the Senate to act
 finally on the treaty with the Zollverein States."
 JK2495.E3 1855
- 771 **Meier**, Ernst. Über den Abschluss von Staatsverträgen.
Leipzig: Duncker & Humblot, 1874. viii, 368 p. 23^{cm}.
 See p. 180-181.
 2-18652 JX4171.T5M4
- 772 **U. S.** Congress. Senate. Committee on foreign relations.
 [Report by] Mr. Choate, . . . on the 1st instant, the con-
 vention with Prussia and the other states of the Germanic
 association of customs and commerce. June 14, 1844.
 (In Journal of the executive proceedings of the Senate, v. 6,
 p. 333-336. Washington, 1887. 23^{cm}.) Serial no. 430
 On the treaty negotiated by Mr. Wheaton. Holds that the
 Senate is constitutionally incompetent to ratify the treaty,
 and also that the treaty sets forth an unequal value of
 stipulated equivalents.
- 773 ——— [Report by] Mr. Archer, . . . a message
 relating to the convention with Prussia, and other states
 of the Germanic association of Customs and commerce,
 and to whom was referred, on the 23d December, the said
 convention. Feb. 26, 1845.
 (In Journal of the executive proceedings of the Senate, v. 6,
 p. 406-410. Washington, 1887. 23^{cm}.) Serial no. 448
 A reaffirmation of the views expressed in the report pre-
 sented by Mr. Choate the year before.
- 774 ——— *Treasury dept.* Report from the secretary of the treas-
 ury [R. J. Walker] on the state of the finances. Dec. 3,
 1845.
 [Washington, 1845.] 957 p. 23^{cm}. (29th Cong., 1st sess.
 Senate. Doc. no. 2.) Serial no. 471
 Also appears as House doc. no. 6, 29th Cong., 1st sess.
 Serial no. 481
 Report of R. J. Walker. Argues (p. 12) that opposition to the
 Zoll-Verein treaty is on the part of the manufacturing
 interest.

- 775 **Wheaton, Henry.** [Letter to John C. Calhoun; Berlin, Dec. 24, 1845.]

(In American historical association. Annual report 1899. Vol. II. Calhoun correspondence, p. 1063-1065. Washington, 1900. 23^{cm}.)

On the treaty negotiated with the Zollverein, which the Senate in 1844, failed to ratify.

E172.A60 1899,v.2

- 776 [**Wurm, C. F.**] Die Ratifikation von Staatsverträgen.

Deutsche Vierteljahrs Schrift, 1845, v. 8, 1 Heft, p. 163-239.

AP30.D45,v.8

Vereinigte Staaten von Nordamerika and Preussen (für den deutschen Zollverein) 1844, p. 225-233.

- 777 **Zimmermann, Alfred.** Geschichte der preussisch-deutschen Handelspolitik.

Oldenburg und Leipzig, Schulze, 1892. v p. 1 l., 850 p. 24^{cm}.

Negotiations of Mr. Wheaton: p. 294-296; Text of the Convention of 1844: p. 599-606.

1-G-1529

HF1545.Z7

1844—TEXAS

- 778 **Benton, Thomas Hart.** Speech of Mr. Benton, of Missouri, delivered in the Senate of the United States, May 16, 18, and 20, 1844, in secret session on the treaty for the annexation of Texas.

Washington, J. and G. S. Gideon, printers, 1844. 28 p. 22½^{cm}.

10-1547

F390.B49

- 779 ——— *Same.*

Congressional globe, 28th Cong. 1st sess. Appendix, p. 474-486.

J11.G5 1843-44

- 780 **Clay, Henry.** [Letters] on the Texas question. April 17 and July 27, 1844.

Niles' register, May 4, Aug. 31, 1844, v. 66: 152-153; p. 439.

JK1.N5.v.66

- 781 **Field, David Dudley.** [The annexation of Texas.]

(In his Speeches, arguments, and miscellaneous papers, Edited by Titus Munson Coan, v. 3, p. 1-5. New York, 1890. 22½^{cm}.)

E415.7.F45,v.3

- 782 Gallatin, Albert. [Letters] to D. Dudley Field. 17th December, 1844 and 10th February, 1845.

(In *The Writings of Albert Gallatin*, ed. by Henry Adams. V. 2, p. 605-610. Philadelphia, 1879. 25^{cm.})

On the constitutional character of the resolution for annexing Texas by legislative act.

E338.G16,v.2

- 783 Holst, Hermann Eduard von. John C. Calhoun.

Boston, New York, Houghton, Mifflin and company, 1892.

vi, 356 p. 18^{cm.} (*American statesmen*, ed. by J. T. Morse, jr. [v. 22])

Texas, p. 222-260.

... "appeal from the Senate, which had the unquestionable right to reject a treaty, to the House of Representatives, to which no power had been given by the Constitution in relation to treaties," page 246.

10-12004

E340.C15H63

- 784 Sedgwick, Theodore. Thoughts on the proposed annexation of Texas to the United States. First published in the New York Evening post, under the signature of Veto, (Theodore Sedgwick.) Together with the address of Albert Gallatin, LL. D. delivered at the Tabernacle meeting, held on the 24th of April, 1844. 2d ed.

New York, Printed by S. W. Benedict & co., 1844. 56 p. 22½^{cm.}

Regards the treaty of annexation sent by the President to the Senate in excess of the rights conferred upon the treaty-making power.

3-73

F390.S46

- 785 U. S. Congress. Debate in the Senate concerning the treaty for the annexation of Texas.

Congressional globe, 28th Cong. 1st sess., 1843-1844. Appendix. (See Index, p. vii.)

J11.G5 1843-44

- 786 ——— Senate. Committee on foreign relations. Report [from] the Committee on foreign relations, to which have been referred sundry joint resolutions and a bill on the subject of the annexation of Texas, and also sundry instructions of state legislatures, and memorials and petitions on the same subject. Feb. 4, 1845.

[Washington, 1845.] 23 p. 23^{cm.} (28th Cong. 2d sess. Senate. Doc. 79.)

Serial no. 451

Includes a discussion of the treaty-making power with reference to the acquisition of foreign territory.

- 787 **U. S.** *29th Congress. Special session of the Senate. 1845.*
 [Resolutions] That in executing the authority conferred by the joint resolution of Congress entitled "A joint resolution for the annexation of Texas to the United States," the President of the United States, will best conform to the provisions of the Constitution by resorting to the treaty-making power for the purpose of accomplishing the objects of that resolution. That the Secretary be directed to lay before the President of the United States a copy of this resolution. [March 10, 1845 and March 20, 1845.]

(In Journal of the executive proceedings of the Senate of the United States of America, vol. VI, p. 429-453. Washington, 1887. 23^{cm}.)

Serial no. 448

- 788 **Van Buren, Martin.** Letter on annexation. April 20, 1844.
Niles' register, May 4, 1844, v. 66: 153-157. JK1.N5,v.66

- 789 **Walker, Robert James.** Letter of Mr. Walker, of Mississippi, relative to the reannexation of Texas: in reply to the call of the people of Carroll County, Kentucky, to communicate his views on that subject.

Washington, Printed at the Globe office, 1844. 32 p. 25^{cm}.

Methods by which territory may be acquired: p. 4-5.

10-5370

F390.W183

- 790 ——— Speech of Mr. Walker, of Mississippi: delivered in the United States Senate, May 20 and 21, in secret session on the treaty for the reannexation of Texas. (The injunction of the secrecy removed.)

Washington, Printed at the Globe office, 1844. 20 p. 24½^{cm}.

10-1553

F390.W19

- 791 **Woodbury, Levi.** Speech of Mr. Woodbury, of New Hampshire, in executive session, on the treaty for the reannexation of Texas to the United States: delivered in the Senate of the United States, June 4, 1844.

[*Washington? 1844*] 30 p. 24½^{cm}.

18-4621

F390.W88

1848—MEXICO

- 792 **Reeves, Jesse S.** The treaty of Guadalupe-Hidalgo.
American historical review, Jan. 1905, v. 10: 309-324.

E171.A57,v.10

- 793 U. S. *Treaties, etc., 1845-1849 (Polk)* Message from the President of the United States, communicating a copy of the treaty with the Mexican Republic, of February 2, 1848, and of the correspondence in relation thereto, and recommending measures for carrying the same into effect. July 6, 1848. Read, and ordered to be printed.

[*Washington, 1848*] 72 p. 26^{cm}. (30th Cong., 1st sess. Senate Ex. [doc.] 60)

11-2903

E408.U581

1850—GREAT BRITAIN (CLAYTON-BULWER TREATY)

- 794 Bell, John. Speech of Hon. John Bell, of Tennessee, upon our relations with Great Britain, delivered in the Senate of the United States, February 26, 1856.

Washington, Printed at the Congressional globe office, 1856.

15 p. 24 $\frac{1}{2}$ ^{cm}.

11-10827

F1436.B43

- 795 Bigelow, John. Breaches of Anglo-American treaties; a study in history and diplomacy.

New York, Sturgis & Walton company, 1917. 1 p. l., v-xi, 248 p. III fold. maps. 19 $\frac{1}{2}$ ^{cm}.

"About two-thirds of the work is taken up with . . . the Clayton-Bulwer treaty."—Pref.

Bibliography: p. 231-236.

17-11357

JX1428.G7B5

- 796 Clayton, John Middleton. Speech delivered in the Senate of the United States on the 8th of March, 1853, in vindication of the Central American treaty concluded with Great Britain on the 19th of April, 1850.

Washington, Printed by Kirkwood & McGill, 1853. 43 p. 23^{cm}.

9-9860

F1436.C63

- 797 ——— Speech . . . on the Central American treaty of April 19, 1850; delivered in the Senate of the United States, March 17 and 19, 1856.

Washington, Printed at the Congressional globe office. 1856. 21 p. 22 $\frac{1}{2}$ ^{cm}.

11-25514

F1436.C64

- 798 Clingman, Thomas Lanier. Speech . . . against the Clayton-Bulwer treaty, and in favor of American ascendancy in the Gulf of Mexico and Central America. Delivered in the House of representatives, May 5, 1858.

Washington, Printed at the Congressional globe office, 1858. 16 p. 24^{cm}.

11-25513

F1436.C66

- 799 [Comegys, Joseph Parsons] The Clayton-Bulwer treaty and the report of the committee of the House on foreign relations against it.

[n. p., 1880] cover-title, 24 p. 24^{cm}.

Signed: A Delawarean.

6-5359

TC773.C73

- 800 Douglas, Stephen Arnold. Speech of Hon. Stephen A. Douglas of Illinois, on the Monroe doctrine. Delivered in the Senate of the United States, February 14, 1853.

Washington, Printed by L. Towers, 1853. cover-title, 16 p. 22^{cm}.

Explaining the author's opposition to the ratification of the Clayton-Bulwer treaty.

CA 18-417

JX1425.D75

- 801 Everett, Edward. Speech . . . on the Central American treaty. Delivered in the Senate of the United States, March 21, 1853.

Washington, Printed at the Congressional globe office, 1853. 13 p. 24^{cm}.

11-25512

F1436.E93

- 802 Keasbey, Lindley Miller. The early diplomatic history of the Nicaragua canal.

Newark, N. J., The Holbrook printing company, 1890. viii, 130 p. fold. map. 23^{cm}.

6-4974

TC784.K23

- 803 ——— The Nicaragua canal and the Monroe doctrine; a political history of isthmus transit, with special reference to the Nicaragua canal project and the attitude of the United States government thereto.

New York [etc.] G. P. Putnam's sons, 1896. xvii, 622 p. 4 maps (incl. front.) 23½^{cm}.

3-31714

TC784.K24

- 804 ——— The terms and tenor of the Clayton-Bulwer treaty. American academy of political and social science. Annals, Nov. 1899, v. 14: 285-309.

H1.A4,v.14

- 805 Moore, John Bassett. A digest of international law. Washington, Govt. print. off., 1906. 8 v. 24½^{cm}. (U. S. 56th Cong., 2d sess. House. Doc. 551.)

Clayton-Bulwer treaty: v. 3, p. 130-210.

JX237.M7,v.3

- 806 **Olney, Richard.** The Clayton-Bulwer treaty; memorandum.
(Reprint)

Washington, 1900. 16 p. 24^{cm}.

2-18453

F1438.051

- 807 [**Squier, Ephraim George**] Question anglo-américaine. Documents officiels échangés entre les États-Unis et l'Angleterre au sujet de l'Amérique Centrale et du traité Clayton-Bulwer.

Paris, Stassin et Xavier, 1856. 2 p. l., 225 p., 1 l. fold. map. 22^{cm}.

4-9902

F1438.S77

- 808 **Travis, Ira Dudley.** The history of the Clayton-Bulwer treaty. [*Ann Arbor, The Association, 1900*] ix, 312 p. front. (fold. map) 24^{cm}. (*Publications of the Michigan political science association. [vol. iii, no. 8]*)

Bibliography: p. [309]-312.

2-7037

H31.M6 vol.3

F1438.T78

- 809 **U. S. Congress. House. Committee on foreign affairs.** The Clayton-Bulwer treaty. Report. April 16, 1880.

[*Washington, 1880.*] 7 p. 23^{cm}. (46th Cong., 2d sess. House. Report no. 1121.)

Serial no. 1937

Recommending that steps be taken to abrogate the treaty.

- 810 ——— Interoceanic canal and the Monroe doctrine. [Report] Feb. 14, 1881.

[*Washington, 1881.*] xi, (1), 49 p. 23^{cm}. (46th Cong., 3d sess. House. Report. no. 224.)

Serial no. 1932

Reporting resolutions affirming the Monroe doctrine, especially as applied to the control of an isthmian canal, and requesting President to take steps for the abrogation of treaties in conflict with the declaration of principles contained in the resolutions. P. 1-49 are given to notes of a hearing Jan. 11-27, 1881. The notes include: Views of Mr. Allen Thorndike Rice, Mr. Crapo, Mr. S. L. Phelps, Admiral Ammen, James B. Eads, Señor Maximo Jerez, William H. Webb, and Mr. Thompson.

- 811 ——— Interoceanic canal and the Monroe doctrine. Views of the minority. March 4, 1881.

[*Washington, 1881.*] 9 p. 23^{cm}. (46th Cong., 3d sess. House. Report. no. 224, pt. 2.)

Serial no. 1982

Signed by Benjamin Wilson.

- 812 U. S. *Congress. House. Committee on foreign affairs.* The construction or control of interoceanic canals at the Isthmus of Darien and in Central America by European governments. Report. March 2, 1889.

[*Washington, 1889.*] 28 p. 23^{cm}. (50th Cong. 2d sess. House. Report no. 4167.) Serial no. 2675

"Views of the minority," p. 13-28.

- 813 ———— *Select committee on the inter-oceanic ship canal.*

The Monroe doctrine. [Report] . . . March 3, 1881.

[*Washington, 1881.*] 9 p. 23^{cm}. (46th Cong. 3d sess. House. Report no. 390.) Serial no. 1983

Recommends the adoption of resolutions, reported to the House of Representatives March 8, 1880, affirming the Monroe doctrine, especially as applied to the control of an interoceanic canal, and requesting the President to take steps for the abrogation of treaties in conflict with the declaration of principles contained in the resolutions.

- 814 ———— *Senate.* Resolution [submitted by Mr. Eaton, "that the President of the United States be requested to transmit to the Senate copies of all correspondence between this government and any foreign government since February, 1869, respecting a ship canal across the Isthmus between North America and South America, together with copies of any project of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative"]. Dec. 4, 1879.

[*Washington, 1879.*] 1 p. 23^{cm}. (46th Cong., 2d sess. Senate. Misc. doc. no. 9.) Serial no. 1890

- 815 ———— *Committee on foreign relations.* Report [from] the committee on foreign relations, to whom was referred the message of the President of the United States of the 4th of January, and to whom also has been referred the resolution of the Senate adopted on the 27th of the same month. Feb. 11, 1853.

[*Washington, 1853.*] 17 p. 23^{cm}. (32d Cong. 2d sess. Senate. Rept. no. 407.) Serial no. 671

On alleged treaty violation by Great Britain through the establishment of a new colony in Central America. With reference to the Senate resolution, the committee reported:

"Resolved, (as the opinion of the committee,) That the declaration on the part of the British government, and the reply thereto by the Secretary of State, as preliminary to the exchange of ratifications of the treaty, concluded at Washington, between the governments of Great Britain and the United States, on the 19th April, 1850, import nothing more

than an admission on the part of the two governments, or their functionaries, at the time of such exchange that nothing contained in the treaty was to be considered as affecting the title, or existing rights, of Great Britain to the English settlements in Honduras Bay.

"And, consequently, in the opinion of the committee, that no measures are necessary on the part of the Senate, to be taken because of such declaration and reply."

- 816 U. S. Congress. Senate. Committee on foreign relations. [Resolution reported] from the committee on foreign relations. Feb. 16, 1881.

[Washington, 1881.] 1 p. 23^{cm}. (46th Cong., 3d sess. Senate. Misc. doc. no. 42.) Serial no. 1944

Affirming that the consent of the United States is a necessary condition precedent to the construction of an Isthmian canal or participation in its use by other nations.

- 817 ——— Report [from] the committee on foreign relations [on the Maritime canal company of Nicaragua and the interests of the United States.] Jan. 10, 1891.

[Washington, 1891.] 215 p. plates. maps. plans. 23^{cm}. (51st Cong., 2d sess. Senate. Report 1944.)

Serial no. 2826

The report is of twenty pages; the rest of the document is given to various appendices and the report of a hearing, May 22, 1890.

- 818 ——— Dept. of state. Tigre island and Central America. Message from the President of the United States, transmitting documents in answer to a resolution of the House respecting Tigre island, &c., &c. July 18, 1850.

[Washington, 1850.] 328 p. folded maps. 23^{cm}. (31st Cong., 1st sess. House. Ex. doc. no. 75.) Serial no. 579

On April 19, 1850, the Clayton-Bulwer treaty was concluded and on July 5, it was proclaimed. The text of the treaty is here given, together with correspondence between the American Secretary of State and the British plenipotentiary at the time it was concluded, and a report by the Secretary of State relative to negotiations with Central America, with a copy of the special convention with Nicaragua, of Sept. 15, 1849.

- 819 ——— Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the difficulties between the British authorities and San Salvador. Feb. 28, 1851.

[Washington, 1851.] 99 p. folded map. 23^{cm}. (31st Cong., 2d sess. Senate. Ex. doc. no. 43.) Serial no. 591

In regard to the British seizure of the Island of Tigre, in the Gulf of Fonseca, Oct. 16, 1849, for the satisfaction of claims of British subjects.

- 820 U. S. *Dept. of state.* Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the firing into and seizure of the American steamship *Prometheus* by a British vessel of war. Dec. 15, 1851.

[*Washington, 1851.*] 5 p. 23^{cm}. (32d Cong., 1st sess. *Senate. Ex. doc. no. 6.*) Serial no. 614

- 821 ——— Message from the President of the United States, in answer to a resolution of the Senate calling for information in relation to the establishment of a new British colony in Central America. Jan. 4, 1853.

[*Washington, 1853.*] 4 p. 23^{cm}. (32d Cong., 2d sess. *Senate. Ex. doc. no. 12.*) Serial no. 660

Includes the declaration of Bulwer with reference to the treaty signed April 19, 1850, "that her Majesty does not understand the engagements of that convention to apply to her Majesty's settlement at Honduras, or to its dependencies," and, also, the memorandum of Mr. Clayton on this declaration.

- 822 ——— Message from the President of the United States, communicating, in compliance with a resolution of the Senate, certain correspondence in relation to Central America. Jan. 21, 1853.

[*Washington, 1853.*] 106 p. 23^{cm}. (32d Cong., 2d sess. *Senate. Ex. doc. no. 27.*) Serial no. 660

Papers communicated in response to a Senate resolution calling for "the correspondence between the Hon. Abbott Lawrence and Lord Palmerston, or the government of the United States, relative to Central America, and also any other correspondence which relates to the claims of Great Britain to the Mosquito coast, or to any portion of the territory of Honduras or Yucatan."

- 823 ——— Message from the President of the United States, in answer to a resolution of the Senate requesting copies of correspondence and documents relative to Nicaragua, Costa Rica, and the territory claimed by the Mosquito Indians. Jan. 27, 1853.

[*Washington, 1853.*] 2 p. 23^{cm}. (32d Cong., 2d sess. *Senate. Ex. doc. no. 28.*) Serial no. 660

- 824 U. S. *Dept of state.* Message from the President of the United States, communicating a report from the Secretary of state, embodying the substance of recent communications from the British minister on the subject of interoceanic canal, by the Nicaragua route. Feb. 18, 1853.

[*Washington, 1853.*] 6 p. 23^{cm}. (32d Cong., 2d sess. *Senate.* *Ex. doc. no. 44.*) Serial no. 665

Also appears as House ex. doc. no. 56, 32d Cong., 2d sess. Report of Mr. Everett, and includes the substance of communications on "the relations of Great Britain to the protectorate of Mosquito, which she expresses herself desirous of relinquishing on terms consistent with her honorable engagements to the Indians of that name."

- 825 ——— Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the transactions between Captain Hollins, of the United States ship *Cyane*, and the authorities at San Juan de Nicaragua. Dec. 19, 1853.

[*Washington, 1853.*] 39 p. 23^{cm}. (33d Cong., 1st sess. *Senate.* *Ex. doc. no. 8.*) Serial no. 694

- 826 ——— Message from the President of the United States, communicating in compliance with a resolution of the Senate, further correspondence growing out of the treaty of Washington of July 4, 1850. Dec. 31, 1853.

[*Washington, 1853.*] 19 p. 23^{cm}. (33d Cong., 1st sess. *Senate.* *Ex. doc. no 13.*) Serial no. 694

- 827 ——— Message from the President of the United States communicating, in compliance with a resolution of the Senate, information respecting the bombardment of San Juan de Nicaragua. July 31, 1854.

[*Washington, 1854.*] 30 p. 23^{cm}. (33d Cong. 1st sess. *Senate.* *Ex. doc. no. 85.*) Serial no. 702

Includes documents submitted in response to the Senate resolution calling upon the President for "all the information in his possession respecting the bombardment of Greytown, or San Juan de Nicaragua, by Captain Hollins, in command of the United States ship *Cyane*, with copies of all orders or instructions, if any, given by the executive to said Hollins in relation thereto."

- 828 U. S. *Dept. of state.* San Juan de Nicaragua. Message from the President of the United States [July 31, 1854] transmitting reports in reference to the destruction of San Juan de Nicaragua.

[*Washington, 1854.*] 31 p. 23^{cm}. (33d Cong., 1st sess.
House. *Ex doc. no. 126.*) Serial no. 734

- 829 ——— Documents relative to Central American affairs, and the enlistment question.

Washington, C. Wendell, printer, 1856. 485 p. fold. map.
23^{cm}.

Printed by direction of the House of representatives.

CONTENTS.—Corresponds between Great Britain and the United States, in relation to Central American affairs, communicated to the first session of the Thirty-fourth Congress by the President of the United States with his annual message.—Correspondence in relation to Central American affairs, and the Clayton and Bulwer convention.—Correspondence in relation to enlistment of troops within the United States by the agents of Great Britain.—The trial of Henry Hertz et al.

12-40476

F1438.U58

- 830 ——— Message of the President of the United States, transmitting, in compliance with a resolution of the Senate of January 10, 1856, a copy of a letter from Lord John Russel to Mr. Crampton, dated January 19, 1853. Jan. 11, 1856.

[*Washington, 1856.*] 3 p. 23^{cm}. (34th Cong., 1st sess.
Senate. *Ex. doc. no. 3.*) Serial no. 815

Contains statement that the British government intends "to adhere strictly to the treaty of Washington of the 19th of April, 1850, and not to assume any sovereignty, either direct or indirect, in Central America."

- 831 ——— Message of the President of the United States, communicating a report of the Secretary of State, in compliance with a resolution of the Senate of the 17th ultimo, calling for copies of certain correspondence and other papers relative to the republics of Nicaragua, Costa Rica, the Mosquito Indians, and the convention between the United States and Great Britain of April 19, 1850. Feb. 14, 1856.

[*Washington, 1856.*] 146 p. 23^{cm}. (34th Cong., 1st sess.
Senate. *Ex. doc. no. 25.*) Serial no. 819

The Senate resolution of the date noted requested the President, if compatible with the public interest, "to communicate to the Senate copies of any correspondence which took

place between Daniel Webster, Secretary of State, and the British minister and the minister from Costa Rica, in respect to a *projet* which was submitted to Nicaragua, Costa Rica, and the Mosquito Indians, and a copy of such *projet* with the instructions given to Mr. Walsh, the special agent, deputed by the United States to present that *projet* to the states of Nicaragua and Costa Rica, as also of such other correspondence as may have passed between him and the said Secretary of State on the subject; as also copies of the correspondence with Mr. Kerr, chargé d'affaires of the United States in Nicaragua in reference thereto, together with the government of Nicaragua or its minister, in respect to the same *projet*; and also copies of any letters not heretofore communicated, which may have been addressed to this government by the minister of Nicaragua or the minister of Great Britain, in reference to the construction and purport of the convention between the United States and Great Britain, signed April 19, 1850, and proclaimed July 5, 1850, and of the replies made to them, if any."

- 832 U. S. Dept. of state. Message of the President of the United States, communicating sundry documents in relation to the affairs with the government of Nicaragua, and information that the new minister from that government had been accredited by this government, May 15, 1856.

[Washington, 1856.] 176 p. 23^{cm}. (34th Cong., 1st sess. Senate. Ex. doc. no. 68.) Serial no. 822

The accompanying papers cover the dates Jan. 16, 1854-April 10, 1856. The document also appears as House ex. doc. no. 103, 34th Cong., 1st sess.

- 833 ——— Message of the President of the United States, in further answer to the resolution of the 17th January last, communicating correspondence, not previously communicated to the Senate, touching the construction and purport of the convention with Great Britain, of the 19th of April, 1850, relative to Central America. May 29, 1856.

[Washington, 1856.] 10 p. 23^{cm}. (34th Cong., 1st sess. Senate. Ex. doc. no. 82.) Serial no. 823

Transmits a copy of an instruction of May 24, 1856, from the Secretary of State to the minister of the United States at London.

- 834 ——— Message of the President of the United States, in compliance with a resolution of the Senate of the 7th instant, relating to the refusal of the government of Honduras to receive a commercial agent from this country. Aug. 12, 1856.

[Washington, 1856.] 5 p. 23^{cm}. (34th Cong., 1st sess. Senate. Ex. doc. no. 105.) Serial no. 825

- 835 **U. S.** *Dept. of state.* Message of the President of the United States, communicating, in compliance with the resolution of the Senate of the 17th instant, correspondence between the Department of State and the ministers from Great Britain and France, in relation to losses sustained by citizens of those countries at the bombardment of Greytown. Dec. 23, 1857.

[*Washington, 1857.*] 11 p. 23^{cm}. (35th Cong., 1st sess. Senate. *Ex. doc. no. 9.*) Serial no. 918

- 836 ——— Message of the President of the United States, communicating, in compliance with the resolution of the Senate, the correspondence between the Department of State and the minister of Bremen, on the subject of claims for losses alleged to have been sustained by subjects of the Hause towns at the bombardment of Greytown. Dec. 29, 1857.

[*Washington, 1857.*] 24 p. 23^{cm}. (35th Cong., 1st sess. Senate. *Ex. doc. no. 10.*) Serial no. 918

- 837 ——— Message of the President of the United States, communicating, in compliance with the resolution of the Senate of January 4, 1858, the correspondence, instructions, and orders to the United States naval forces on the coast of Central America, connected with the arrest of Wm. Walker and his associates, at or near the port of San Juan de Nicaragua. Jan. 7, 1858.

[*Washington, 1858.*] 38 p. 23^{cm}. (35th Cong., 1st sess. Senate. *Ex. doc. no. 13.*) Serial no. 918

- 838 ——— Nicaragua—seizure of General Walker. Message from the President of the United States, relative to the seizure of General William Walker and his followers in Nicaragua. Jan. 11, 1858.

[*Washington, 1858.*] 82 p. 23^{cm}. (35th Cong., 1st sess. House. *Ex. doc. no. 24.*) Serial no. 950

- 839 ——— Message of the President of the United States communicating, in compliance with the resolution of the Senate of the 7th instant, information in relation to the condition of the commercial relations between the United States and the Spanish-American states on this continent, and between these countries and other nations. July 14, 1870.

[*Washington, 1870.*] 13 p. 23^{cm}. (41st Cong., 2d sess. Senate. *Ex. doc. no. 112.*) Serial no. 1407

- 840 U. S. *Dept. of state.* International ship-canal. Resolution of the House of Representatives and letter from the Secretary of State in relation to an international ship-canal. May 20, 1872.

[*Washington, 1872.*] 2 p. 23^{cm}. (42d Cong., 2d sess. House. Misc. doc. no. 219.) Serial no. 1527

"It has not been the policy of this Government to complicate the practical question of the construction of such a canal by encouraging discussions or negotiations with European powers on the subject."

- 841 ——— The Darien interoceanic canal. Message from the President of the United States, transmitting a report from the secretary of state relative to the steps taken by the Government of the United States to promote the construction of an interoceanic canal across the Isthmus of Darien. June 13, 1879.

[*Washington, 1879.*] 3 p. 23^{cm}. (46th Cong., 1st sess. House Ex. doc. no. 10.) Serial no. 1875

- 842 ——— Interoceanic canal. Message from the President of the United States, transmitting, in response to a resolution of the House of Representatives, copies of correspondence in relation to the interoceanic canal. March 8, 1880.

[*Washington, 1880.*] 2 p. 23^{cm}. (46th Cong., 2d sess. House Ex. doc. no. 57.) Serial no. 1925

Correspondence is printed with Senate ex. doc. no. 112, 46th Cong., 2d. sess.

- 843 ——— Message from the President of the United States, in response to Senate resolution of Feb. 11, 1880, covering report of secretary of state, with accompanying documents, in relation to the proposed interoceanic canal between the Atlantic and Pacific oceans. March 8, 1880.

[*Washington, 1880.*] 152 p. 23^{cm}. (46th Cong., 2d sess. Senate. Ex. doc. no. 112.) Serial no. 1885

Papers transmitted in response to a Senate resolution requesting "copies of all correspondence between this government and any foreign government since February, 1869, respecting a ship-canal across the isthmus between North America and South America, together with copies of any projêt of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative."

- 844 U. S. *Dept. of state.* Message from the President of the United States, transmitting the report of the Secretary of State in response to Senate resolution of the 14th October 1881, with accompanying document, relative to the projected interoceanic canal at Panama. Oct. 24, 1881.

[*Washington, 1881.*] 4 p. 23^{cm}. (47th Cong., *Special sess.* *Ex. doc. no. 5.*) Serial no. 1985

Gives the letter of instruction to the United States minister in London.

- 845 ——— Message from the President of the United States, transmitting, in response to Senate resolution of December 12, 1881, a report from the secretary of state, touching the proposed modification of the Clayton-Bulwer treaty of April 19, 1850, between the United States and Great Britain. Dec. 15, 1881.

[*Washington, 1881.*] 7 p. 23^{cm}. (47th Cong., *1st sess. Senate.* *Ex. doc. no. 16.*) Serial no. 1986

Gives Mr. Blaine's instruction to Mr. Lowell.

- 846 ——— The Clayton-Bulwer treaty and the Monroe doctrine. A letter from the secretary of state to the minister of the United States at London dated May 8, 1882, with sundry papers and documents explanatory of the same, selected from the archives of the Department of state.

Washington, Govt. print. off., 1882. 203 p. 23^{cm}. (47th Cong., *1st sess. Senate.* *Ex. doc. 194.*) Serial no. 1991

The letter of the Secretary of State communicates, "somewhat at length, the opinions entertained here respecting the traditional continental policy of the United States and the Clayton-Bulwer treaty."

The explanatory documents and papers cover the dates Feb. 10, 1763–June 1, 1882.

10-3786

JX1425.A3 1882

- 847 ——— Message from the President of the United States, transmitting, in further compliance with Senate resolution of December 12, 1881, the remainder of the correspondence touching the desired modification of the Clayton-Bulwer treaty. Jan. 27, Feb. 17, June 6, 1882.

[*Washington, 1882.*] 3 pts. 23^{cm}. (47th Cong., *1st sess. Senate.* *Ex. doc. no. 78. Pts. 1-3.*) Serial no. 1989

- 848 **U. S.** *Dept. of state.* Message from the President of the United States, transmitting, in response to the Senate resolution of the 18th instant, a report of the Secretary of State and accompanying papers relating to the treaty between the United States and Great Britain, signed April 19, 1850. Dec. 19, 1883.

[*Washington, 1883.*] 15 p. 23^{cm}. (48th Cong., 1st sess. Senate. Ex. doc. no. 26.) Serial no. 2162

- 849 ——— [Dispatches, 1881-1882, of Mr. George Maney, formerly our minister at Bogota, relative to the Panama canal.] Dec. 10, 1884.

[*Washington, 1884.*] 8 p. 23^{cm}. (48th Cong., 2d sess. Senate. Misc. doc. no. 12.) Serial no. 2170

- 850 ——— Message from the President of the United States, in response to the Senate resolution of December 4, 1894, transmitting a report from the Secretary of State, with accompanying papers, relating to affairs at Bluefields, in the Mosquito territory. Jan. 3, 1895.

[*Washington, 1895.*] 207 p. 23^{cm}. (53d Cong., 3d sess. Senate. Ex. doc. no. 20.) Serial no. 3275

"Great Britain, it is proper to say, has given this Government the most positive assurance that she asserts no right of sovereignty or protection over the territory, but on the contrary respects the full and paramount sovereignty of the Government of Nicaragua." Report of Mr. Gresham, p. 3.

- 851 ——— Correspondence and other papers relating to the proposed interoceanic ship canal, being a reprint of an executive document of the special session of March 4, 1857, and of document no. 194 of the Forty-seventh congress, first session. Feb. 8, 1900.

[*Washington, 1900.*] (2), 203 p. 23^{cm}. (56th Cong., 1st sess. Senate. Doc. 161.) Serial no. 3853

The first reprint noted was "originally printed as an executive document, special session of March 4, 1857"; the other document noted appears as Senate ex. doc. no. 194, 47th Cong., 1st sess., "The Clayton-Bulwer treaty and the Monroe doctrine."

- 852 ——— Correspondence in relation to an interoceanic canal between the Atlantic and Pacific oceans, the Clayton-Bulwer treaty and the Monroe doctrine, and the treaty between the United States and New Granada of December 12, 1846, comprising a reprint of Senate executive docs. no. 112, 46th Congress, 2d session; no. 194, 47th Con-

gress, 1st session; and no. 26, 48th Congress, 1st session; and correspondence not heretofore communicated to Congress. March 21, 1900.

[*Washington, 1900.*] 548 p. 23^{cm}. (56th Cong., 1st sess. Senate. Doc. 237.) Serial no. 3853

Includes also Senate misc. doc. no. 12, 48th Cong., 2d sess.

"Correspondence not heretofore communicated to Congress," p. 437-548.

853 ——— *Dept of state.* History of amendments proposed to the Clayton-Bulwer treaty.

Washington, Govt. print. off., 1911. 31 p. 23¹/₂^{cm}. (61st Cong., 3d sess. Senate. Doc. 746.) Serial no. 5943

A brief history of the amendments proposed and considered relative to the Clayton-Bulwer treaty with Great Britain, resulting in the treaty submitted December 14, 1901. Prepared in the Department of state, and sent by Mr. Hay to the Committee on foreign relations.

11-35109

TC773.U7 1911

854 ——— *Navy dept.* Report of the Secretary of the navy, communicating in compliance with a resolution of the Senate, the correspondence between the president of Nicaragua and Commodore Paulding in relation to the capture of Walker and his command in December, 1857. December 23, 1858.

[*Washington, 1858.*] 5 p. 23^{cm}. (35th Cong., 2d sess. Senate. Ex. doc. 10.) Serial no. 981

855 ——— *President (Pierce).* Message from the President of the United States to the two houses of Congress, at the commencement of the first session of the thirty-fourth Congress. Dec. 31, 1855.

[*Washington, 1855*] 120 p. 23^{cm}. (34th Cong., 1st sess. House. Ex. doc. 1.) Serial no. 840

Also appears as Sen. ex. doc. no. 1, 34th Cong., 1st sess.

Includes a review of affairs in Central America with reference to the treaty of April 19, 1850, and transmits papers on the subject.

856 ——— *President (Buchanan)* Message of the President of the United States, to the two houses of Congress at the commencement of the first session of the thirty-fifth Congress. Dec. 8, 1857.

[*Washington, 1857.*] 56 p. 23^{cm}. (35th Cong., 1st sess. Senate. Ex. doc. 11.) Serial no. 919

Clayton-Bulwer treaty, p. 9-13.

- 857 **U. S.** *President (Buchanan)*. Message of the President of the United States to the two houses of Congress at the commencement of the second session of the thirty-fifth Congress. Dec. 6, 1858.

[*Washington, 1858.*] 72 p. 23^{cm}. (35th Cong., 2d sess. Senate Ex. doc. 1.) Serial no. 974

Clayton-Bulwer treaty, p. 12-13; Central American affairs, p. 19-22, 51-67.

- 858 ——— *Treaties, etc., 1849-1850 (Taylor)* Convention between the United States and Great Britain, for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific Oceans, and for other purposes. Concluded April 19, 1850 . . . By the President of the United States . . . a proclamation.

[*Washington, 1850.*] 5 p. 23^{cm}.

Proclamation with text of Clayton-Bulwer treaty.

6-6559

TC773.U7 1850

- 859 ——— ——— The Clayton and Bulwer convention, of the 19th April, 1850, between the British and American governments, concerning Central America; with the correspondence between the negotiators, agreeing that the convention excludes British Honduras from its operation; and also, the correspondence between the Earl of Clarendon and Mr. Buchanan, United States minister at London, in relation to the true construction of this convention.

London, Trübner and co., 1856. 63 p. 20^{cm}.

11-24509

F1436.U58

- 860 **Williams, Mary** Wilhelmine. Anglo-American Isthmian diplomacy, 1815-1915.

[*Baltimore, The Lord Baltimore press, 1916*] xii, 356 p. double map. 18½^{cm}. (*Prize essays of the American historical association. 1914*)

Bibliography: p. 331-345.

16-14677

JX1398.1.W5 1916a

1853—MEXICO

- 861 **Smith, Gerrit**. Speech on the Mexican treaty and "Monroe doctrine." June 27, 1854.

(*In his Speeches . . . in Congress, p. 287-303. New York, 1855.* 19¼^{cm}.)

E431.S64

862 U. S. *33d Cong., 1st sess.* The Congressional Globe. 1853-1854.

City of Washington: Printed at the office of John C. Rives, 1854. 3 parts and appendix. 4°.

"There is a provision in the [Gadsen] treaty for the payment by the United States to Mexico of the sum of \$7,000,000 on the exchange of ratifications, and the further sum of \$3,000,000 when the boundaries of the ceded territories shall be settled. To be enabled to comply with the stipulation, according to the terms of the treaty relative to the payments therein mentioned, it will be necessary that Congress should make an appropriation of \$7,000,000 for that purpose, before the 30th instant, and also the further sum of \$3,000,000, to be paid when the boundaries shall be established. I therefore respectfully request that these sums may be put at the disposal of the Executive."—Message of President Pierce, June 20, 1854, Globe, p. 1466.

Bill to enable the President to fulfill the third article of the treaty, discussed, p. 1476, 1519, 1520-1524, 1535-1536, 1536-1549, 1561-1565.

The speeches by Solomon G. Haven, p. 1537-1540, Joshua R. Giddings, p. 1541-1542, Israel Washburn, p. 1542-1543, William W. Boyce, p. 1543-1545, and John S. Millson, p. 1546-1548, are especially to be noted.

Speeches reported in the Appendix are as follows By J. Glancy Jones, p. 1008-1011; By Gerrit Smith, p. 1015-1017; By P. Phillips, p. 1018-1021; By R. W. Peckham, p. 1028-1031; By Thomas H. Benton, p. 1031-1037; By T. H. Bayly, p. 1042-1045; By T. S. Boccock, p. 1045-1050.

863 ——— *President (Pierce).* Treaty—United States and Mexico. Message from the President of the United States, transmitting a copy of the treaty between the United States of America and the republic of Mexico, June 20, 1854.

[*Washington, 1854.*] 5 p. 23^{cm}. (*33d Cong., 1st sess. House. Ex. doc. 109.*)

Serial no. 726

In the message Congress is asked for appropriations to make the treaty effective.

1854—GREAT BRITAIN

864 Davis, Agnes M. Reciprocity treaty of 1854.

Women's Canadian historical society, Ottawa. Transactions, 1915, v. 6: 104-112.

- 865 **Robinson, Chalfant.** A history of two reciprocity treaties: the treaty with Canada in 1854, the treaty with the Hawaiian Islands in 1876, with a chapter on the treaty-making power of the House of representatives.

[*New Haven, Conn., The Tuttle, Morehouse & Taylor press, 1904*] 220 p. fold. map, fold. tab., diagrs. (1 fold.) 23 $\frac{1}{2}$ cm.

Bibliographies: p. [78]-82, [157]-160, [176]

5-41966

HF1732.A1R5

- 866 **Sumner, Charles.** Termination of the Canadian reciprocity treaty. Speeches in the Senate, on the joint resolution giving notice for the termination of the Canadian reciprocity treaty, December 21, 1864, January 11 and 12, 1865.

(*In his Works.* v. 9, p. 178-191. Boston, 1874. 204^{cm}.)

E415.6.S93,v.9

Citations: Story on the Constitution, vol. 2, sec. 1838; Ware v. Hylton, 3 Dallas, R., 261; The Prize Cases, 2 Black, R., 671; Brown v. The United States, 8 Cranch, 131, 132, 133.

- 867 **U. S. 38th Cong., 1st sess.** The Congressional Globe.

Washington: Congressional globe office, 1864. 4 pts. 4°.

Steps were taken, but unsuccessfully, during the first session of the thirty-eighth Congress to abrogate the Canadian reciprocity treaty of 1854. For resolutions and discussions, see p. 19, 1387, 2333-2338, 2364-2371, 2452, 2453-2456, 2476-2482, 2482-2484, 2502-2509, and Appendix, p. 119-120.

- 868 ——— *38th Cong., 2d sess.* The Congressional Globe.

Washington: Congressional globe office, 1865. 2 pts. 4°.

During the second session of the thirty-eighth Congress a joint resolution was passed authorizing the President to terminate the Canadian reciprocity treaty and to appoint commissioners to negotiate a new treaty.

Action in the House of Representatives, p. 31-33, 35, 265, 267, 276-277, 291.

Action in the Senate, p. 34, 35, 71, 95-97, 204-213, 226-234, 293.

Mr. Collamer (p. 209-210) held that the Canadian treaty was in conflict with the revenue-raising clause of the Constitution, and Mr. Howe (p. 211-212) took issue with this view.

- 869 ——— *Congress. House. Committee on foreign affairs.*

Commercial relations with Canada and other states on the American Continent. Report. July 5, 1884.

[*Washington, 1884.*] 3 p. 23^{cm}. (48th Cong., 1st sess. House. Report 2149.)

Serial no. 2259

Report on a joint resolution requesting the President to negotiate with the government of Great Britain for the renewal of the reciprocity treaty of 1854.

"The committee . . . in recognition of the fact that the Constitution has prescribed that all measures affecting the revenues of the Government should originate in the House, consider it eminently fit that the House should give expression to its opinion regarding international agreements which may affect such revenues."

- 870 ——— *Congress. Senate. Committee on finance.* Reciprocity with Canada. Compilation of documents relating to the proposed agreement of 1911 and to the treaty of 1854, and its subsequent operation.

Washington, Govt. print. off., 1911. [846] p. 22½cm.

Special message of President Taft, Jan. 26, 1911, with correspondence; H. R. 32216 "An act to promote reciprocal trade relations with the Dominion of Canada . . ." introduced in the House Jan. 28, 1911; Reports and hearings of the Committee on ways and means, etc., etc.

11-16477

HF1732.C2A4 1911c

- 871 **Whitman, William.** Objections to reciprocity on constitutional and practical grounds.

Boston, The Rockwell and Churchill press, 1904. 35 p. 23cm.

5-22961

HF1731.W6

1867—RUSSIA (Alaska purchase)

- 872 **The Alaska purchase.** A resolution was presented by Mr. Butler of Mass., Dec. 7, 1867, "That so much of the President's message as relates to the payment of money for the Russian possessions which are the subject of negotiation between the several Governments be referred to the Committee on Appropriations. Disagreed to; referred to the Committee on Foreign affairs. The resolution was brought up again, Dec. 9, 1867, and was debated by Nathaniel P. Banks, Robert C. Schenck, Cadwalader C. Washburn, and Elihu B. Washburne.

(*In Congressional globe*, 40th Cong., 2d sess. pt. 1, p. 92-95.) Dec. 11, 1867 the question was again brought up on a resolution presented by Mr. Washburn of Wisconsin, that any more purchase of territory would be inexpedient. Debated by Cadwalader C. Washburn, *Congressional Globe*, 40th Cong., 2d sess., pt. 1, p. 135-139; John M. Broomall, p. 139-143; Elihu B. Washburne, p. 143-144.

The purchase of Alaska was again brought up for debate March 14, 1868 and was discussed by William Higby, *Congressional globe*, 40th Congress, 1st session, pt. 2, pp. 1870-1874, and Cadwalader C. Washburn, pp. 1875-1876. These

debates were principally directed to the treaty-making power. In May 1868 a bill providing for an appropriation to carry into effect the treaty with Alaska was introduced by Nathaniel P. Banks; was not debated until June 30, 1868, when Mr. Banks addressed the committee, his speech was published in the Appendix. William Loughbridge of Iowa, spoke on the question. Congressional globe, 40th Cong., 2d sess., pt. 4, p. 3621-3625; The debate was continued by Mr. Boyer and Mr. Pruyn, their speeches were published in the Appendix, James A. Johnson, of California, spoke on the question, p. 3625-3628; July 1, 1868, the bill was debated by Orange Ferris, James Mullins, Leonard Myers and John A. Peters, p. 3661-3670. The bill was again discussed, July 7, 1868, by William Higby, Dennis McCarthy, Green B. Raum & Rufus P. Spalding, p. 3805-3814. July 10, 1868, Mr. Orth, Mr. Blair and Mr. Cullom obtained leave to have their speeches printed, as part of the debates on the bill. These were published in the Appendix.

July 14, 1868, Mr. Banks, Mr. Schenck, Mr. Stevens of Penn., and Mr. Mungen spoke on the bill, p. 4052-4055. Mr. Banks speech was published in the Appendix.

A report from the committee on conference was presented to the House, July 23, 1868, by Mr. Banks, and was debated by Mr. Loughbridge and others, Congressional globe, 40th Cong., 2d sess. pt. 5, p. 4392-4394.

- 873 **Blaine**, James Gillespie. Twenty years of Congress: from Lincoln to Garfield. With a review of the events which led to the political revolution of 1860.

Norwich, Conn., The Henry Bill publishing company, 1884-86. 2 v. fronts., ports., fold. map. 25^{cm}.

The purchase of Alaska: v. 2, p. 333-339.

2-19439

E661.B63

- 874 **Loughbridge**, William. [The rights, the powers, and the constitutional prerogatives of the House of Representatives. Speeches on the House bill making an appropriation of money to carry into effect the treaty with Russia of March 30, 1867.]

Congressional Globe, 40th Congress, 2d session, pt. 4, June 30, 1868, p. 3621-3625; pt. 5, July 23, 1868, p. 4393-4394.

- 875 **Meier**, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. viii, 368 p. 23^{cm}.

"Der Vertrag mit Russland wegen der Abtretung von Alaska, 1868," p. 181-191.

2-18652

JK4171.T5M4

- 876 **Sumner, Charles.** The cession of Russia America to the United States. Speech in the Senate, on the ratification of the treaty between the United States and Russia, April 9, 1867.

(*In his Works*, vol. 11, p. 181-349. Boston, 1877. 20 $\frac{1}{4}$ cm.)

E415.6.S93,v.11

——— *Same.*

(*In his Complete works.* Statesman ed., vol. 15, p. 1-169.

Boston, 1900. 23cm.)

E415.6.S95,v.15

- 877 **U. S. Congress. House. Committee on foreign affairs.** Report . . . relating to the treaty with Russia, May 18, 1868. [*Washington, 1868.*] 65 p. 23cm. (40th Cong., 2d sess. *House. Report 37.*)

Serial no. 1357

Report presented by Mr. Banks; treaty-making power discussed, p. 1-12.

Mr. Washburn submitted the views of the minority, treaty-making power discussed, p. 44-51.

- 878 ——— *Dept. of state.* Message from the President transmitting correspondence in relation to Russian America. February 17, 1868.

[*Washington, 1868.*] 361 p. 23cm. (40th Cong., 2d sess. *House. Ex. doc. 177.*)

Serial no. 1339

"Probably this treaty stands alone in the history of diplomacy, as an important treaty conceived, and initiated, prosecuted and completed, without being preceded or attended by protocols or despatches." Notes of secretary of state, printed on page 3 of the documents accompanying the President's message.

- 879 **Wharton, Francis.** A digest of the international law of the United States . . . Vol. II.

Washington: Govt. print. off., 1887. (2), 832 p. 23 $\frac{1}{2}$ cm.

JX237.W5 1887,v.2

"The tendency of the majority of the House was evidently to sanction the Alaska purchase, but to couple the approval of the treaty with a reservation of the right of the House to approve or disapprove in all cases in which the sanction of the House is necessary to execute a treaty" p. 21.

- 880 **Yeaman, G. H.** The treaty-making power.

Nation, Apr. 30, 1868, v. 6:349-350.

AP2.N2,v.6

Discusses the constitutional question arising from the reluctance of the House to make the appropriation for the purchase of Alaska.

- 881 **Banks, N. P.** Hawaiian treaty. Speech in the House of Representatives, April 10, 1876.

Congressional record, 44th Cong., 1st sess. v. 1, pt. 6, Appendix, p. 25-63. J11.R5,v.4

... "if the House shall negative the legislation necessary to render this treaty effective, in my opinion it will be a nullification of one of the most important powers of the Constitution" ... page 63.

Cites various precedents in support of this position.

- 882 **Kelley, William D.** The Hawaiian treaty.

Congressional record, 44th Cong., 1st session v. 4, pt. 2, March 6, 1876, p. 1495-1498. J11.R5,v.4,pt.2

Attacks the treaty on constitutional grounds and upon the merits of the treaty itself.

- 883 **Morrill, Justin S.** The Hawaiian treaty.

Congressional record, 44th Cong., 1st sess., v. 4, pt. 6, Aug. 14, 1876, p. 5567-5568. J11.R5,v.4, pt. 6

"Our Constitution provides that all revenue bills shall originate in the House of Representatives. Where did this bill really originate? Clearly it originated in the State Department, where the treaty was made, and not in the House of Representatives. It is therefore, in my judgment, not only a plain violation of the spirit of the Constitution, but it is of the most vicious character; for if the Executive and the Senate may interfere and make a treaty with so unimportant a kingdom as the Hawaiian Islands, we may make it with all other powers."

- 884 ——— Hawaiian reciprocity treaty. Speech in the United States Senate, executive session, March 18, 1875.

Washington: Govt. print. off., 1875. 14 p. 23cm.

Regards the treaty as unconstitutional.

- 885 **Robinson, Chalfant.** A history of two reciprocity treaties: the treaty with Canada in 1854, the treaty with the Hawaiian Islands in 1876, with a chapter on the treaty-making power of the House of representatives.

[*New Haven, Conn., The Tuttle, Morehouse & Taylor press, 1904*] 220 p. fold. map, fold. tab., diagrs. (1 fold.) 23½cm.

Bibliographies: p. [78]-82, [157]-160, [176].

5-41966

HF1732.A1R5

- 886 **Thomas, Philip F.** The Hawaiian treaty. Speech in the House, May 8, 1876.

Congressional record, 44th Cong., 1st sess., v. 4, pt. 6, Appendix, p. 184-190. J11.R5,v.4,App.

An argument in support of the contention that in the treaty in question the House is competent to judge of its expediency and act accordingly.

- 887 **Tucker, J. R.** Hawaiian treaty.

Congressional record, 44th Cong., 1st sess., vol. 4, pt. 4, May 8, 1876, p. 3031-3037. J11.R5,v.4,pt.4

Discusses in part the question of constitutional powers and in part economic considerations involved.

- 888 **U. S.** 44th Cong., 1st sess. Congressional record. Vol. 4.

Washington: Govt. print. off., 1876. 8 pts. 4°.

H. R. 612-To carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed 30th day of January, 1875: Introduced, p. 300; Referred to the committee of ways and means, p. 300; Reported back, considered, and passed by House, p. 1268, 1419-1426, 1461-1465, 1488-1499, 1596-1604, 2270-2281, 2360, 3031-3037; Referred to the Senate committee on foreign relations, p. 3083; Reported back, considered, and referred to the Senate committee on finance, p. 4261; Reconsidered and passed by the Senate, p. 4265, 4266, 5462, 5463, 5485-5491, 5522-5524, 5533-5535, 5563-5572; Approved by the President, p. 5691.

J11.R5,v.4

- 889 ——— *Congress. House. Committee on ways and means.*

Report . . . The bill (H. R. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875. Feb. 24, 1876.

[*Washington, 1876.*] 12 p. 23^{cm}. (44th Cong., 1st sess. House. Report. 116.) Serial no. 1708

"The treaty, in consequence of its abolition of the duty now imposed by law in the United States on the articles enumerated in the schedule, requires an act of Congress to carry it into effect. Unlike most of the treaties made with foreign nations, not only the consent of the House of Representatives is required to give it validity, but the proposition to do so must begin there," p. 3.

- 890 ——— ——— ——— Hawaiian treaty. The views of the minority.

[*Washington, 1876.*] 6 p. 23^{cm}. (44th Cong., 1st sess. House. Report. 116, p. 2.) Serial no. 1708

A discussion of the expediency of the treaty; not of constitutional principles involved.

891 U. S. *47th Cong., 2d sess.* Congressional record.

Washington: Govt. print. off., 1882. 5 v. 4°.

S. Res. 122, providing for the termination of the Hawaiian reciprocity treaty of Jan. 30, 1875, introduced by Mr. Morrill, p. 921; referred to committee on finance, p. 1003-1005; reported back with amendment and referred to committee on foreign relations, p. 3322.

J11.R5,v.14

892 ——— *Congress. House. Committee on finance.* Report . . . joint resolution (S. Res. 122) providing for the termination of the reciprocity treaty of Jan. 30, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands. Feb. 27, 1883.

[*Washington, 1883.*] 8 p. 23^{cm}. (*47th Cong., 2d sess. Senate. Report, 1013.*)

Serial no. 2088

"The present reciprocity treaty with the Hawaiian islands is obviously adverse to the interests of the United States, and so much more than would now be asked for by Hawaii, that nothing less than its abrogation affords a sufficient remedy. Even those who would prefer a modification merely must see that the first step to that end, or to obtain any satisfactory result, is to wholly abrogate the present treaty. Doubtless the notice of its abrogation might be lawfully given by the President, or it may be done by Congress."

Views of the minority:

"When our Constitution was framed no compact between two different nations such as a reciprocity treaty was known or ever existed; and the power of the President 'with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate concur,' must be accepted as a limitation of the power to just what was then known and understood to be comprehended by the words 'to make treaties.' The Constitution can not be changed by any modern diplomatic inventions." . . .

"Our Constitution does not lack harmony, and all of its provisions show that it was never intended that the President and the Senate should have even the initiative in regulating trade or commerce.

"A still greater inhibition of this modern shape of the treaty power is found in another provision of the Constitution, which provides that—'All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.'

"No reciprocity treaty could be made that would not be a direct infraction of this provision of the Constitution, as all such treaties must necessarily curtail the boundaries within which revenues are or can be raised. If such a treaty could be made with one nation it would be possible to make like treaties with all, and thus the power of the

House of Representatives to originate revenue bills would be suspended and frittered away. It does not help the main question in the least to obtain the consent of an existing House of Representatives to pass a law in conformity with or to carry out the provisions of such a treaty. The power of the House to originate revenue bills inheres forever, and no existing House can exercise that power so as to deprive a succeeding House of any of its proper Constitutional functions."

- 893 ——— *Congress. Senate.* History of Hawaiian treaty and Cuban reciprocity. History of the Hawaiian treaty, with a report to terminate the treaty, signed by Justin S. Morrill, Daniel W. Vorhees, and Nelson W. Aldrich; also a history of the agitation for Cuban reciprocity with the United States, and opinions as to the probable results of Cuban reciprocity, by Charles H. Dietrich. Data and tables compiled by Truman G. Palmer. March 2, 1903. [*Washington, 1903.*] 27 p. 23^{cm}. (57th Cong., 2d sess. *Senate. doc. 206.*) Serial no. 4430

Includes Senate report no. 1013, 47th Cong., 2d sess., from the Committee on finance, with views of the minority on Constitutional principles involved in the Hawaiian treaty.

1883—MEXICO. 1884—SPAIN

- 894 U. S. *Congress. House. Committee on ways and means.* Mexican treaty of January 20, 1883. Adverse report. May 25, 1886. [*Washington, 1886.*] 52 p. *folded map.* 23^{cm}. (49th Cong., 1st sess. *House. Report. 2615.*) Serial no. 2443

"The bill under consideration is intended to give practical effect to the pending commercial treaty between the United States and Mexico. Although the right to negotiate treaties is vested by the Constitution in the President and the Senate, the pending treaty expressly stipulates that it shall not be operative until laws necessary to carry it into execution shall have been passed by the Congress of the United States and the Government of the United Mexican States.

"The purpose and object of this proviso is evident. The treaty pending, being purely commercial and dealing with questions of revenue only, which under the Constitution are subject to the exclusive control of Congress, could not be negotiated or carried into practical effect without affirmative action on the part of the legislative branch of the Government."

Majority report presented by Mr. Maybury, p. 1-7.

Minority report, presented by Mr. Hewitt, p. 15-30.

895 U. S. Congress. Senate. Journal of the executive proceedings of the Senate of the United States of America from December 3, 1883, to March 3, 1885, inclusive. Vol. 24. Printed by order of the Senate of the United States..

Washington: Govt. print. off., 1901. 797 p. 23^{cm}.

Resolution to inquire into tariff and revenue features of the Mexican treaty, p. 128; Disagreed to, p. 129.

Resolution to consider the Spanish treaty in open session, p. 385.

1884—HAWAIIAN ISLANDS

896 U. S. Congress. House. Committee on the judiciary. Treaty with the Hawaiian islands. Report [by J. R. Tucker from] the committee on the judiciary. March 3, 1887.

[*Washington, 1887.*] 23 p. 23^{cm}. (49th Cong., 2d sess. House. Report, 4177. Serial no. 2501

The body of the committee's report is almost identical with House report no. 2680, 48th Congress, 2d session. These two reports set forth in detail the view which sets a limit on the power of the Senate to make treaties affecting duties levied by Congress.

The report concludes:

"The concurrent wills of both Houses and of the President to the imposition of a duty are substituted by a treaty having the force of law, which imposes the duty despite the dissent of the House, unless President and Senate agree to relinquish it.

"Your committee believe that this is a radical change in the equilibrium of the Constitution, which, unless reversed, will become dangerous to the rights of the people, by promoting the intervention of foreign nations in our domestic policy of taxation, through the agency of a minority of the tax-payers of the country.

"Your committee, therefore, with great respect, recommend the adoption of the following resolutions:

"(1) That the President, by and with the advice and consent of the Senate, cannot negotiate a treaty which shall be binding on the United States, whereby duties on imports are to be regulated, either by imposing or remitting, increasing or decreasing them, without the sanction of an act of Congress; and that the extension of the term for the operation of the original treaty or convention with the Government of the Hawaiian Islands, proposed by the supplementary convention of December 6, 1884, will not be binding on the United States without like sanction, which was provided for in the original treaty and convention, and was given by act of Congress.

"(2) That the President is respectfully requested to withhold final action upon the proposed convention, and to condition its final ratification upon the sanction of an act of Congress, in respect of the duties upon articles to be imported from the Hawaiian Islands."

1894—JAPAN

- 897 **American journal of international law.** Editorial. The Japanese school question.
American journal of international law, Jan., Apr. 1907, v. 1: 150-153; 449-452.
 JX1.A3,v.1
- 898 **Anti-federalist.** The United States can enforce its law.
North American review, Dec. 21, 1906, v. 183: 1239-1250.
 AP2.N7,v.183
- 899 **Baldwin, Simeon E.** Schooling rights under our treaty with Japan.
Columbia law review, Feb. 1907, v. 7: 85-92.
- 900 **Barstow, Hollen M.** The treaty power and police regulation.
American lawyer, Jan. 1908, v. 16: 18-25.
 Gist of the treaty with Japan.
- 901 **Fort, J. F.** [Extract on the right of a state to enact legislation contravening international treaties] Address at Union League Club celebration.
Chicago legal news, Feb. 27, 1909, v. 41: 243.
New Jersey law journal, Mar. 1909, v. 32: 168-171.
- 902 **Foster, David J.** The treaty power of the government.
Congressional record, 59th Cong., 2d sess., v. 41, pt. 2, Jan. 16, 1907: 1231-1238; Jan. 22, 1907: 1522-1523.
 An argument that the United States by treaty stipulation, may relieve the subjects of a foreign power of the disabilities of alienage respecting the public schools.
 J11.R5,v.41,pt.2
- 903 **Fulton, C. W.** American schools and Japanese pupils.
North American review, Dec. 21, 1906, v. 183: 1225-1228.
 AP2.N7,v.183
- 904 **Gilbert, George E.** The Japanese school question. Speech in the House of Representatives, Feb. 12, 1907.
Congressional record, 59th Cong., 2d sess., v. 41, Appendix: 52-55.
 J11.R5,v.41,App.
 The treaty-making power of the general government can not invade the reserved rights of the states.

- 905 **Hayes**, Everis A. The treaty-making power of the government and the Japanese question. Speech in the House of representatives, Jan. 23, 1907.

Congressional record, 59th Cong., 2d sess., v. 41, pt. 2: 1579-1583. J11.R5,v.41,pt.2

Holds that "the authority to make a treaty under the Constitution must be discovered by exactly the same process as the authority to pass a statute . . . The provision of the Constitution reserving to the states or to the people all powers not granted to the Federal Government must be just as binding upon the treaty-making power as upon any other branch of the government."

- 906 **Hazeltine**, Mayo W. Would England side with Japan against the United States?

North American review, Dec. 21, 1906, v. 183: 1280-1284.

AP2.N7,v.183

- 907 **Hyde**, Charles Cheney. The segregation of Japanese students by the school authorities of San Francisco.

Green bag, Jan. 1907, v. 19: 38-49.

Treats of the subject under the headings, first, whether the treaty of 1894 has been violated, second, the interpretation of the treaty, third, the validity of the treaty, and fourth, the liability of the United States to Japan if the treaty has been violated. Concludes that a treaty is the supreme law of the land.

- 908 **Ignotus** [*pseud.*] Is the United States a world power?

North American review, Dec. 7, 1906, v. 183: 1107-1119.

AP2.N7,v.183

- 909 **Ion**, Theodore P. The Japanese school incident at San Francisco from the point of view of international and constitutional law.

Michigan law review, Mar. 1907, v. 6: 326-343.

- 910 **Lewis**, William Draper. Can the United States by treaty confer on Japanese residents in California the right to attend the public schools?

American law register, Feb. 1907, v. 55: 75-90.

Footnote references to cases.

"If these conclusions are correct, our Federal Government has under the Constitution power to make a treaty with Japan or any other foreign nation giving to the subjects or citizens of the foreign nation residing in one of the States the right to attend the public schools of the State on the same terms as native or naturalized citizens. In the Constitution itself we find nothing to restrain the President from negotiating, and two thirds of the Senate from ratifying such a treaty." p. 88.

- 911 **Miller, Shackleford.** [Address on the treaty-making power, before the Jefferson school of law.]

Congressional record, 59th Cong. 2d sess., v. 41, pt. 2: 1519-1522.

J11.R5,v.41,pt.2

Asks the question whether the President and Senate can constitutionally make a treaty with Japan that will confer the right on Japanese citizens of California to have themselves and their children educated in the public schools at the public expense, and answers the question in the negative.

- 912 **Robbins, A. H.** A cloud upon the horizon which threatens our dual form of government.

Central law journal, Feb. 12, 1909, v. 68: 115-117.

Editorial comment on the controversy between the President of the U. S. and California legislature.

- 913 **Root, Elihu.** The real question under the Japanese treaty and the San Francisco school board resolution.

American journal of international law, Apr. 1907, v. 1: 273-286.

Address before the first annual meeting of the American society of international law.

"The treaty-making power is not distributed; it is all vested in the national government; no part of it is vested in or reserved to the states. In international affairs there are no states; there is but one nation, . . ." p. 278.

"The great question which overshadowed all discussion of the treaty of 1894 was the question: Are the people of the United States about to break friendship with the people of Japan? That question, I believe, has been happily answered in the negative." p. 286.

- 914 **Sherley, Swagar.** The treaty-making power. Speech in the House of representatives, Jan. 22, 1907.

Congressional record, 59th Cong., 2d sess., v. 41, pt. 2: 1515-1522.

J11.R5,v.41,pt.2

Discusses first, violations of treaty-rights of aliens, and, then the extent of the treaty-making power. Holds that "the reserved powers of the states are a limitation upon the treaty-making power."

Appended is the address of Judge Shackleford Miller.

1897—GREAT BRITAIN

- 915 **André, Aléxandre.** Le traité anglo-américain d'arbitrage de 1897.

Revue générale de droit international public, Nov.-Dec. 1911, v. 18: 654-666.

JX3.R56,v.18

- 916 U. S. *Treaties, etc., 1893-1897 (Cleveland)* . . . Arbitration with Great Britain. Message from the President . . . transmitting a treaty between the United States and Great Britain for the arbitration of matters in difference between the two countries, signed at Washington, January 11, 1897.

[*Washington, Gov't print. off., 1905*] 33 p. 23^{cm}. (58th Cong., 3d sess. Senate. Doc. 161)

At head of title: Confidential—Executive D—Fifty-fourth Congress, second session.

Signed: Richard Olney. Julian Paunceforte [!]

Injunction of secrecy removed and ordered printed February 14, 1905.

Extracts from the Executive journal of the Senate, February 8-May 5, 1897: p. 8-33.

6-12239

1897—HAWAIIAN ISLANDS

- 917 Changing the Constitution.

Nation, July 21, 1898, v. 67: 44.

AP2.N2,v.67

With regard to the annexation of Hawaii by joint resolution.

"With the change now made in the Constitution it will require only a bare majority in both Houses of Congress to annex territory in any part of the world."

- 918 Cooley, Thomas M. Grave obstacles to Hawaiian annexation.

Forum, June, 1893, v. 15: 389-406.

AP2.F6,v.15

- 919 Schouler, James. Mr. Cleveland and the Senate.

Forum, Mar., 1897, v. 23: 65-74.

AP2.F6,v.23

"The Hawaiian conquest," p. 69.

1901—GREAT BRITAIN (HAY-PAUNCEFOTE TREATY)

- 920 Anderson, Chandler Parsons. Panama canal tolls. An address on the issues between the United States and Great Britain in regard to Panama canal tolls, as raised in the recent diplomatic correspondence.

Washington [Govt. print. off.] 1913. 11 p. 23½^{cm}. ([U. S.] 63d Cong., 1st sess. Senate Doc. 32)

13-35372

HE537.9.T7A7

- 921 Baty, Thomas. The Panama tolls.

Law magazine and review, Nov. 1912, v. 38: 91-96.

- 922 ——— Panama tolls question.

Law magazine and review, Mar. 1914, v. 23: 389-396.

- 923 **Cox-Sinclair, E. S.** The international status of the Panama canal.

Law magazine and review, Nov. 1912, v. 38: 1-15.

- 924 **Davis, George W.** Fortification at Panama.

American journal of international law, Oct. 1909, v. 3: 885-908. JX1.A6,v.3

A reply to Hains's article in the April number, opposed to fortification. Proves by extracts from the Clayton-Bulwer treaty, presidential messages, etc., that the United States has the right to fortify the canal.

- 925 **Dunn, Russell L.** The Panama canal toll and the constitution.

Case and comment, May, 1914, v. 20: 261-273.

- 926 **Dykes, D. O.** The Panama canal and treaty rights.

Juridical review, Jan. 1913, v. 24: 261-273.

- 927 **Elliott, C. B.** A review of the Panama canal tolls controversy.

Minnesota state bar association. Proceedings, 1914. p. 110-124.

- 928 **Escobar, Francisco.** President Roosevelt's message and the canal.

North American review, Jan. 1904, v. 178: 122-132.

Discusses the treaty-making power and the international law of recognition.

AP2.N7,v.178

- 929 **Grahame, Leopold.** The canal diplomacy. Justification for the British protest.

North American review, Jan., 1913, v. 197: 31-39.

AP2.N7,v.197

- 930 **Green, John B.** The Panama canal. Trade, treaties and tolls.

Case and comment, Nov., 1913, v. 20: 402-406.

- 931 **Hains, Peter C.** Neutralization of the Panama canal.

American journal of international law, Apr., 1909, v. 3: 354-394. JX1.A6,v.3

"There can be no doubt that the Hay-Pauncefote treaty was made with a view of neutralizing the canal; if it fails to accomplish this purpose there is still time to correct its defects . . . But it is confidently claimed that the treaty does neutralize the canal . . . and that the construction of fortifications commanding the approaches thereto will destroy neutralization."

- 932 **Kennedy**, Crammond. The canal fortifications and the treaty.
American journal of international law, July, 1911, v. 5:
 620-638. JX1.A6,v.5

In favor of neutralization of the canal.

- 933 ——— Neutralization and equal terms.
American journal of international law, Jan., 1913, v. 7:
 27-50. JX1.A6,v.7

"The United States, having freed itself by the Hay-Pauncefote treaty from certain requirements of the Clayton-Bulwer treaty . . . should see to it that the general principles of neutralization and equal terms, expressly preserved, reaffirmed and reconsecrated as they are in the treaty now in force, shall suffer no impairment in the administration of this self-assumed trust for mankind."

- 934 **Latané**, John H. The neutralization features of the Hay-Pauncefote treaty.
American historical association. Report, 1902, v. 1, p. 289-303.
 E172.A60 1902,v.1

A discussion of the general principles involved in term "neutralization."

- 935 ——— The Panama canal act and the British protest.
American journal of international law, Jan., 1913, v. 7:
 17-26. JX1.A6,v.7

Treats of the effect of the Hay-Pauncefote treaty on Great Britain's claim for free use of the canal.

- 936 **McGrath**, P. T. The Bond-Hay treaty. A new phase of the Anglo-American dispute.
Nineteenth century and after, June, 1903, v. 53: 924-935.
 AP4.N7,v.53

- 937 **Olney**, Richard. Canal tolls legislation and the Hay-Pauncefote treaty.
Lawyer and banker, June, 1913, v. 6: 164-171.

- 938 ——— Panama canal tolls and the Hay-Pauncefote treaty.
 An address on Panama canal tolls legislation and the Hay-Pauncefote treaty, read before the American society of international law.
Washington [Govt. print. off.] 1913. 10 p. 23cm. ([U. S.] 63d Cong., 1st sess. Senate. Doc. 33)

- 939 **Oppenheim**, Lassa Francis Lawrence. The Panama canal conflict between Great Britain and the United States of America; a study.

Cambridge [Eng.] University press, 1913. 2 p. l., 57, [1] p. 191^{cm}.

13-6704

HE537.9.T7O5

- 940 **Panama** canal act. Protest by the British government. American reply.

Canada law times, Feb. 1913, v. 33:77-83.

- 941 **Richards**, Sir Henry Erle. The Panama canal controversy; a lecture delivered before the University of Oxford on October 25, 1913.

Oxford, The Clarendon press; London, New York [etc.] H. Milford, 1913. 48 p. 23^{cm}.

Appendix: A. Clayton-Bulwer treaty, 1850.—B. Hay-Pauncefote treaty, 1901.—C. Treaty between the United States and Panama (Hay-Varilla) 1903.

14-5223

HE537.9.T7R5

- 941a **Robbins**, A. H. Exemption of Panama canal tolls as affecting the Hay-Pauncefote treaty.

Central law journal, Feb. 20, 1914, v. 78:128-129.

- 942 **Smith**, George B. The Panama canal.

Illinois law review, June, 1912, v. 7: 98-118.

- 943 **Taylor**, Hannis. Rule of treaty construction. An address on the rule of treaty construction known as *rebus sic stantibus*: a discussion of the Clayton-Bulwer and Hay-Pauncefote treaties in relation to the Panama canal.

Washington [Govt. print. off.] 1913. 8 p. 23^{cm}. ([U. S.] 63d Cong., 1st sess. Senate. Doc. 31)

13-35371

HE537.9.T7T3

- 944 **Tower**, Charlemagne. The treaty obligations of the United States relating to the Panama canal.

American philosophical society. Proceedings, Apr. 1913, v. 52: 234-242.

Q11.P5.v.52

"Treats historically our obligations in regard to the canal as determined by the various treaties."

- 945 ——— Essays political and historical.

Philadelphia and London, J. B. Lippincott company, 1914. 306 p. map. 211^{cm}.

The treaty obligations of the United States relating to the Panama canal, p. 38-53.

14-18488

JX1395.T6

946 **Treaty** rights in the Panama canal.

Law journal, July 20, 1912, v. 47: 458.

947 **U. S.** *Dept. of state.* Diplomatic history of the Panama canal. Correspondence relating to the negotiation and application of certain treaties on the subject of the construction of an interoceanic canal, and accompanying papers.

Washington, Govt. print. off., 1914. xii, 602 p. 23½^{cm}. (63d Cong., 2d sess. *Senate. Doc.* 474)

Includes a report of the secretary of state, with papers relative to the construction of the Panama canal.

14-30413

JX1398.5.A5 1914

948 ——— History of amendments proposed to the Clayton-Bulwer treaty.

Washington, Govt. print. off., 1911. 31 p. 23½^{cm}. (61st Cong., 3d sess. *Senate. Doc.* 746)

A brief history of the amendments proposed and considered relative to the Clayton-Bulwer treaty with Great Britain, resulting in the treaty submitted December 14, 1901. Prepared in the Department of state, and sent by Mr. Hay to the Committee on foreign relations.

11-35109

TC773.U7 1911

949 ——— *Treaties, etc.* Canal treaties. Executive documents presented to the United States Senate, together with proceedings by the Senate thereon relative to the Panama canal.

Washington, Govt. print. off., 1914. 84 p. 23^{cm}. (63d Cong., 2d sess. *Senate. Doc.* 456)

CONTENTS.—Clayton-Bulwer treaty.—Hay-Pauncefote treaty.—Senate proceedings on the treaty of 1900.—Treaty of 1901.—Ratification of treaty of 1901.—Statement by Secretary Hay.—Hay-Herrán treaty (with Colombia) — Hay-Bunau-Varilla treaty (with Panama)

14-30250

TC774.U6 1914

950 ——— Interoceanic canal . . . the Clayton-Bulwer treaty; the Hay-Pauncefote treaty, with amendments thereto . . . and the treaty that was ratified on December sixteenth, nineteen hundred and one, together with amendments proposed thereto, and the votes.

[*Washington, Govt. print. off.*, 1901] 17 p. 23^{cm}. (57th Cong., 1st sess. *Senate. Doc.* 85)

TC773.U7 1901

——— [*Washington, Govt. print. off.*, 1902] 25 p. 23^{cm}. (57th Cong., 1st sess. *Senate. Doc.* 85.

4-352-3

TC773.U7 1902

- 951 **U. S.** *Treaties, etc.* The Panama canal. Treaties and acts of Congress relating to the Isthmian canal.
Washington [Govt. print. off.] 1914. 55 p. 23cm.
 14-30249 TC774.U6 1914a
- 952 ———— Treaties and acts of Congress relating to the Isthmian canal. (Reprinted from the Annual report of Isthmian canal commission, 1911)
Washington [Govt. print. off.] 1911. 1 p. l., p. 543-581. 23½cm.
 11-35029 TC774.U6 1911d
- 953 ———— Treaties and acts of Congress relating to the Panama canal, 1917.
Washington, Govt. print. off., 1917. 180, xxxviii p. 24½cm.
 18-26036 TC774.U6 1917c
- 954 **Wambaugh, Eugene.** The right to fortify the Panama canal.
American journal of international law, July, 1911, v. 5: 615-619. JX1.A6,v.5
 Concludes that the United States has the right to fortify the canal.
- 955 **White, Harold F.** The legal aspects of the Panama canal.
Illinois law review, Feb. 1914, v. 8: 442-461.

1902—CUBA

- 956 **Cullom, Shelby M.** The treaty-making power.
Congressional record, 57th Cong., 1st sess., v. 35, Jan. 29, 1902, p. 1104-1111. J11.R5,v.35
- 957 ———— Trade relations with Cuba. [Speech in the Senate of the United States. Dec. 7, 1903.]
Congressional record, 58th Cong., 2d sess. v. 38, part 1, Dec. 7, 1903, p. 13-15. J11.R5,v.38,pt.1
 Constitutional discussion regarded as necessary since the Senate has amended the Cuban treaty making it effective only when approved by Congress.
- 958 **McCall, Samuel W.** Cuban reciprocity. Speech in the House of Representatives, Nov. 19, 1903.
Congressional record, 58th Cong., 1st sess., Nov. 19, 1903, v. 37, p. 385-387. J11.R5,v.37
 Submits that "if we concede to the Senate the right to pass legislation by treaty and the right to impose taxation by treaty we will have surrendered the last vestige of popular representative government in the United States."

- 959 **Morgan**, John T. [The Cuban treaty and the situation in the Caribbean Sea, the Gulf of Mexico, and other coasts and islands. Speech in the Senate of the United States, Dec. 9, 1903.]

Congressional record, 58th Cong., 2d sess. v. 38, pt. 1, Dec. 9, 1903, p. 72-82. J11.R5,v.38,pt.1

Points out "some dangers . . . in the assumption by the President of treaty-making powers without the consent of Congress."

- 960 **Morrell**, Edward De V. [The Cuban treaty. Speech in the House of Representatives, Nov. 17, 1903.]

Congressional record, 58th Cong., 1st sess. v. 37, Nov. 17, 1903, p. 309-310. J11.R5,v.37

"All measures affecting the revenue must emanate in the House of Representatives."

- 961 **Teller**, Henry M. Trade relations with Cuba. Speech in the Senate of the United States, Tuesday and Wednesday, Dec. 8 and 9, 1903.

Congressional record, 58th Cong., 2d sess. v. 38, pt. 1, Dec. 8 and 9, 1903, p. 37-46, 67-72. J11.R5,v.38,pt.1

Includes an affirmation of the power of the House of Representatives to originate revenue bills, and continues with a discussion of the merits of the treaty.

- 962 **U. S.** *Congress. House. Committee on ways and means.* Report from the committee on ways and means, to whom was referred the bill (H. R. 1921) to carry into effect a convention between the United States and the republic of Cuba, signed on the 11th day of December, in the year 1902.

[Washington, 1903.] 4, 3 p. 23^{cm}. (58th Cong., 1st sess. House. Report. 1.) Serial no. 4577

- 963 ——— *Senate. Committee on foreign relations.* Jurisdiction of the Senate to act upon reciprocity treaties. Report. Dec. 15, 1902.

[Washington, 1902.] 3 p. 23^{cm}. (57th Cong., 2d sess. Senate. Doc. 47.) Serial no. 4420

- 964 **Williams**, John S. Cuban reciprocity. Speech in the House of Representatives, Nov. 19, 1903.

Congressional record, 58th Congress, 1st session, v. 37, Nov. 19, 1903, p. 380-385.

Includes discussion of the constitutionality of the Cuban treaty. J11.R5,v.37

1911—JAPAN

- 965 **American journal of international law.** Editorial. The American-Japanese discussions relating to the land tenure law of California.
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AUTHOR INDEX

[The numbers refer to the items, not to the pages.]

Abbott, Lyman.....	253	Barbour, Philip P.....	688
Abby, J. T.....	68	Barclay, Sir Thomas.....	8
Adams, Charles Francis.....	470, 581	Barrett, James T.....	261
Adams, Henry.....	313, 653	Barstow, Hollen M.....	900
Adams, John.....	581	Barthélemy, Joseph.....	214
Adams, John Quincy, <i>pres. U. S.</i>	254, 744	Bascom, John.....	262
Aked, C. F.....	974	Basdevant, Jules.....	132a, 132b
Albin, Pierre.....	1	Baty, Thomas.....	921, 922
Aldrich, Nelson W.....	893	Bayard, James A.....	733
Alger, George W.....	255	Bayard, James A., 2d.....	570
Allen, William.....	744	Bayly, T. H.....	862
American Jewish year book.....	753, 754	Beardsley, Samuel.....	744
American journal of interna- tional law.....	897, 965, 966, 980-987	Bell, John.....	794
American remembrancer.....	582	Bellet, H. H. L.....	263
Ames, Fisher.....	583-587, 638	Benjamin, J. P.....	733
Ames, Herman V.....	525	Bennett, Edmund H.....	548
Ammen, <i>Admiral</i>	810	Benton, Thomas H.....	569, 673, 687, 778, 779, 862
Amos, Sheldon.....	83, 193	Bergbohm, Carl.....	9, 85
Anderson, Chandler P.....	257, 718, 920	Bergh, Albert E.....	340
André, Alexandre.....	915, 988	Bergson, Jules.....	52
Anson, <i>Sir William R</i>	194	Bernard, Mountague.....	10
Antoine, Ch. F.....	35	Bigelow, John.....	264, 795
Anzilotti, Dionisio.....	2-4	Bigelow, Melville M.....	552, 577
Appert, G.....	5	Biklé, Henry W.....	265
Archer, William S.....	744	Binney, Horace.....	744
Atlay, J. Beresford.....	183	Bird, C. B.....	266
B.....	572	Blackstone, <i>Sir William</i>	197
Bache, B. F.....	638	Blaine, James G.....	873
Bacon, Arthur.....	195	Blair, Austin.....	872
Bacon, Augustus O.....	259, 990, 991	Blount, Thomas.....	638
Bagehot, Walter.....	196	Bluntschli, Johann K.....	11, 12
Baker, Andrew J.....	526	Bocock, T. S.....	862
Baker, <i>Sir George S. bart</i>	6, 50	Boeck, Ch. de.....	29
Balch, Thomas W.....	992	Bohm, Leopold, <i>graf von</i>	143
Baldwin, Simeon E.....	260, 899	Bonfils, Henry J. F. X.....	13
Bancroft, George.....	472	Bonsor, W. T.....	974
Banks, Nathaniel P.....	872, 877, 881	Bonucci.....	14
Barbé-Marbois, François, <i>mar- quis de</i>	654	Borchard, Edwin M.....	36
Barbeyrac, Jean.....	7	Borchardt, Felix.....	15
Barbour, James.....	688	Borden, R. L.....	273
		Bouldin, T. T.....	744
		Bourgeois, Ferdinand.....	198

Bourne, E. G.-----	495	Claiborne, N. H.-----	744
Boutell, Henry S.-----	691, 692	Clancy, Charles S.-----	276
Buttwell, George S.-----	527	Clay, Henry.-----	726, 746, 780
Boyce, William W.-----	862	Clayton, A. S.-----	744
Boyd, James H.-----	267, 968	Clayton, J. C.-----	277
Boyer, B. M.-----	872	Clayton, John M.-----	733, 796, 797, 821
Brant, R. W.-----	54a	Clingman, Thomas L.-----	798
Breckenridge, John.-----	658	Clunet, Edouard.-----	202
Brodhead, Richard.-----	733	Cobbett, Pitt.-----	22
Broomall, John M.-----	872	Cobbett, William.-----	589-591
Bryan, Henry L.-----	449	Cocke, William.-----	658
Bryant, Edwin E.-----	528	Cockes, William A.-----	278
Bryce, James, <i>viscount</i> .-----	529	Coleman, William C.-----	279
Buonamici, Francesco.-----	16	Collamer, Jacob.-----	437, 733
Burges, T.-----	744	Collins, Charles W.-----	971
Burgess, John W.-----	199, 268	Comegys, Joseph P.-----	799
Burr, Charles H.-----	269	Conway, Eustace.-----	23
Burton, Theodore E.-----	993, 994	Conway, Moncure D.-----	592
Butler, Charles Henry.-----	200, 270, 271, 473, 490, 491	Cooley, Thomas McI.-----	659, 918
Butler, Pierce.-----	588	Corwin, Edward S.-----	280-283, 531
Butte, Georg C. F.-----	969	Coudert, Frederic R.-----	24
Cadwalader, John L.-----	272, 440, 454	Coulter, R.-----	744
Caius. <i>See</i> Carey, Mathew.		Courtney, L. H. C. <i>1st baron</i> .-----	203
Calhoun, John C.-----	530, 680, 688, 767, 770, 783	Cox, Homersham.-----	204, 205
California. <i>Laws, statutes, etc.</i>	970	Cox-Sinclair, E. S.-----	923
Callahan, James M.-----	693, 694	Coxe, Brinton.-----	532
Calonne, Alphonse de.-----	17	Craik, <i>Sir</i> Henry.-----	233
Calvo, Carlos.-----	18	Cralle, Richard K.-----	530
Calwer, Richard.-----	19	Crandall, Samuel B.-----	25, 206, 207, 284, 285, 474
Cambreleng, C. C.-----	744	Crapo.-----	810
Camillus [<i>pseud.</i>] <i>See</i> Hamilton, Alexander.		Creasy, <i>Sir</i> Edward S.-----	26
Campbell, A. C.-----	48	Crittenden, John J.-----	733
Campbell, George W.-----	688	Croswell, Simon G.-----	286
Canada. <i>Dept. of external affairs</i> .-----	273	Cullom, Shelby M.-----	287, 765, 872, 956, 957
Capelle, Léon.-----	132b	Currey, John.-----	288
Carey, Mathew.-----	582	Curtis, George T.-----	533
Cass, Lewis.-----	733	Cushing, Caleb.-----	289, 729
Cato [<i>pseud.</i>] <i>See</i> Livingston, R. R.		Cuthbert, Alfred.-----	688
Cattell, J. McK.-----	20	D., A. J.-----	290
Cavalcanti, Amaro.-----	201	Dahlgren, Madeleine V.-----	274
Cavarretta, Giuseppe.-----	21	Dallas, Alexander J.-----	593-595
Chambrun, Charles A. de P. <i>marquis de</i> .-----	274, 275	Dallas, George Mifflin.-----	208
Chambrun, Pierre de.-----	275	Dana, Samuel W.-----	570, 655
Charles, Garfield.-----	457	Dauzat, Albert.-----	27, 209
Chilton, Thomas.-----	744	Davis, Agnes M.-----	864
Chitty, Joseph.-----	167	Davis, Garrett.-----	704
Choate, Rufus.-----	772, 773	Davis, George B.-----	23
		Davis, George W.-----	924
		Davis, J. C. Bancroft.-----	291- 293, 453, 455
		Dawson, Henry B.-----	304

Day, Clive	446	Fessenden, W. P.	733
Dayton, Jonathan	658	Field, David D.	781
Delawarean, <i>pseud.</i> See Comegys, J. P.		Finch, George A.	996
Demombynes, Gabriel	210	Fiore, Pasquale	35, 36
Dennis, William C.	995	Fish, Carl R.	37, 307
Depew, Chauncey M.	565	Fisk, George M.	38, 768
Descamps, E. E. F. <i>baron</i>	132a, 132b	Fleming, William H.	308
Despagnet, F. C. R.	29	Flood, E. C.	309
De Sumichrast	242	Foley, John P.	341, 612
Devlin, Robert T.	294	Foord, J.	974
Dickey, Francis W.	30	Foot, S.	733
Dietrich, Charles H.	893	Ford, Paul Leicester	305, 338, 495, 575, 611, 644, 663
Dilla, Harriette M.	972	Ford, Worthington C.	580, 640
Dillon, John M.	371	Forsyth, John	688, 690
Dodd, Walter F.	211	Fort, John F.	310, 901
Donati, Donato	31	Foster, David J.	763, 902
Douglas, Stephen A.	800	Foster, John W.	39, 311, 312, 695, 706
Drucquer, M. N.	50	Foulke, Roland R.	40
Du Bouzet, Ch.	32	Franklin, <i>pseud</i>	589, 598
Duer, William A.	534, 535	Fromentin, Eligius	688
Dunn, Russell L.	925	Fulton, C. W.	903
Dupriez, Léon	212, 213	Furber, George P.	434
Duwalt, G. W.	296	Gadsby, John	973
Dykes, D. O.	926	Gallatin, Albert	313, 570, 599-602, 638, 782
E.	297	Gaston, William	688
Eads, James B.	810	Geffcken, F. H.	41, 52
Easton, Rufus	688	Gholson, Thomas, jr.	688
Edmond, William	570	Gibbs, George	603
Edwards, P. L.	660	Giddings, Joshua R.	862
Egert, B. P.	755	Gilbert, George E.	904
Eliot, Edward C.	298	Giles, William B.	604, 638
Elliot, James	657	Gilpin, Henry D.	368, 502
Elliot, Jonathan	299, 300, 492, 501, 596, 661, 681	Glenn, Edwin F.	43
Elliott, Charles B.	301, 927	Glier, L.	44
Ellsworth, Oliver	493, 494, 597	Gneist, Rudolf von	216
Erich, Rafael	33	Goddard, Calvin	655, 656
Escobar, Francisco	928	Gold, Thomas R.	688
Esmein, Adhémar	214	Goodhue, Benjamin	571
Evarts, William M.	302	Gordon, William	570
Everett, Edward	740, 744, 801	Gorius, Fr.	217
Ewald, Alexander C.	215	Gould, John M.	541
Fairlie, John A.	303	Grahame, Leopold	929
Falconer, Wm. A.	495	Graydon, William	314
Farra, R. A.	34	Gt. Brit. <i>Foreign office</i>	45, 218
Farrand, Max	518	<i>Treaties, etc.</i>	605
Farrar, Timothy	526	Green, John B.	930
Farwell, Nathan A.	704	Gregory, Charles N.	120, 316
Fauchille, Paul	132b	Griffith, William	46
Federalist	304-306, 495	Griswold, Roger	606, 655, 656, 657, 666
Fenwick, C. G.	166	Grotius, Hugo	47, 48
Ferris, Orange	872		

Gulick, S. L.-----	317	Hyde, Charles Cheney-----	60,
H., S. R.-----	318	331-333, 907, 997	
Hains, Peter C.-----	924, 931	Idman, K. G.-----	61
Hale, J. P.-----	733	Ignotus [<i>pseud.</i>]-----	908
Hall, J. P.-----	319	Imberg, Kurt E.-----	334
Hall, William E.-----	49	Ingraham, Edward D.-----	167
Halleck, Henry W.-----	50	Institute of international law--	62
Hamilton, Alexander-----	304-306, 320-	Ion, Theodore P.-----	63, 909
323, 495, 496, 497, 582, 607, 608		Iredell, James.-----	498
Hamilton, Alexander-----	324	Jackson, George-----	658
Hanson, Alexander C.-----	688	Jackson, Mrs. Helen M. F. Hunt--	573
Hardin, Benjamin-----	688, 744	Jacomet, Robert-----	64
Hare, John I. C.-----	537	Jameson, J. F.-----	508
Harris, George W.-----	365	Jay, John-----	304-306, 335, 336, 495
Harrison, Benjamin, <i>pres. U. S.</i> --	538	Jefferson, Thomas, <i>pres. U. S.</i> ---	337-
Hart, Albert B.-----	328, 539	342, 574, 575, 610-612,	
Hartmann, Adolf-----	51	643, 644, 662-664, 666	
Haswell, John H.-----	455	Jellinek, Georg-----	65
Haven, Solomon G.-----	862	Jenks, Edward-----	230
Hayden, R.-----	325	Jérez, Maximo-----	810
Hayes, Everis A.-----	905	Jèze, Gaston-----	343, 495
Hazeltine, Mayo W.-----	906	Johnson, Hiram W.-----	967
Heffter, August W.-----	52	Johnson, James A.-----	872
Helvidius [<i>pseud.</i>] <i>See</i> Madi-		Johnson, Reverdy-----	704
son, James.		Johnson, R. W.-----	733
Henriques, H. S. Q.-----	756	Johnson, Richard M.-----	744
Hepp, François-----	53	Johnston, Henry P.-----	335
Herbette, Maurice-----	1	Johnston, Richard H.-----	340
Herod, Joseph R.-----	54	Jones, François S.-----	344
Hershey, Amos S.-----	720	Jones, G. W.-----	733
Hertslet, Sir Edward-----	54a, 54b, 219	Jones, J.-----	974
Hewitt, Abram S.-----	894	Jones, J. Glancy-----	862
Higby, William-----	872	K., I. L.-----	769
Higgins, A. P.-----	49	Kappler, Charles J.-----	445
Hill, David Jayne-----	48, 326, 327	Kasson, John A.-----	345, 346
Hill, Mabel-----	328	Kaufmann, Erich-----	67
Hodgins, Thomas-----	243, 719, 720	Kawakami, K. K.-----	974
Holland, Thomas E.-----	55	Keasbey, Lindley M.-----	802-804
Hollins, <i>Capt.</i> -----	827	Keith, Arthur B.-----	244-246
Holls, Frederick W.-----	56	Kelley, William D.-----	882
Holmes, O. W., <i>jr.</i> -----	541	Kellogg, Frank B.-----	347
Holst, Hermann E. von-----	329, 540, 783	Kennan, J.-----	974
Holtzendorff, F. J. W. P. von---	57	Kennedy, Crammond-----	932, 933
Hopf, Jules-----	92, 93	Kent, James-----	68, 541
Hopkinson, Joseph-----	688	King, Charles R.-----	613
Hornbeck, Stanley K.-----	53, 58, 446	King, Rufus-----	613, 688, 689
Hosack, John-----	59	Kittera, John W.-----	570
Howe, Timothy O.-----	437	Klüber, Johann L.-----	69
Huger, Benjamin-----	655, 688	Kohler, Josef-----	14
Hungerford, E.-----	967	Kouomanoudi, Constantin-----	70
Hunt, Charles H.-----	609	Kuhn, Arthur K.-----	348, 758
Hunt, Gaillard-----	330, 370, 517	Laband, Paul-----	220
Hunt, Harry E.-----	696	Laghi, Ferdinando-----	71

Lantsheere, de	213	Maclay, William	364, 365
Lapradelle, Albert de	166, 221	McMaster, John B.	507, 620, 666
Lardy, C.	11	Macon, Nathaniel	688
Latané, John H.	934, 935	Madison, James, <i>pres. U. S.</i> ..	304-306, 320, 330, 366-370, 482, 501, 502, 517, 621, 622, 638, 650
Lawrence, Abbott	822	Mahon, J.	975
Lawrence, Thomas J.	73, 74	Maine, <i>Sir H. J. S.</i>	82
Lawrence, William	349	Mallory, S. R.	733
Lawrence, William Beach. 350, 654, 770		Malloy, William M.	450, 457
Leake, Walter	351	Maney, George	849
Lee, Arthur	481	Mann, James R.	698
Lee, Charles	614, 615	Manning, William O.	83
Lee, Richard Henry	499, 500	Marcus [<i>pseud.</i>] <i>See</i> Iredell, James.	
Lee, Sidney	222	Marshall, John	371, 576, 611, 623
Lehr, Ernest	75	Marshall, Louis	759, 764, 765
Léo, Alfred	84	Martens, F. F.	84, 85
Leoni, A.	76	Martens, Georg F. von	86-94
Levermore, Charles H.	697	Mason, Alfred B.	540
Levi, Leone	77	Mason, George	498, 512
Lewis, William D.	197, 352, 910	Mason, J. M.	733
Lincoln, Enoch	353	Massachusetts. <i>Convention</i> , 1788	503, 504
Lipscomb, Andrew A.	340	Maxey, Edwin	95
Liszt, Franz von	78	Maybury, W. C.	894
Littlefield, Charles E.	354	Meier, Ernst	96, 373, 624, 667, 683, 741, 771, 875
Livingston, Edward	609, 616, 638	Mérignhac, Alexandre	97
Livingston, Robert R.	582, 617	Michon, Louis	223, 374
Lodge, Henry Cabot	306, 322, 355-357, 407, 495, 998-1000	Mikell, William E.	375
Loomis, F. B.	974	Mill, J. S.	98
Lorimer, James	79	Miller, Samuel F.	483, 544, 668
Loughbridge, William	358, 872, 874	Miller, Shackelford	376, 911
Love, James	744	Mills, Elijah H.	688
Low, A. Maurice	359, 360, 378	Millson, John S.	862
Lowndes, William	688	Milovanović, M.	99, 99a
Ludwig, Ernest	80	Mitchell, Samuel L.	656, 657
Lynnan, Theodore	361, 566, 618, 645, 649, 665, 682	Miyakawa, Masuji	377
Lyon, Asa	688	Moody, William H.	378
Lyons, <i>Lord</i>	706, 707	Moore, John Bassett	100, 271, 379-381, 805
McAdoo, William G.	764	Moore, S. McD.	744
Macarthur, W.	974	Moore, William H.	224
McCall, Samuel W.	362, 958	Moran, Francis	467
McCarthy, Dennis	872	Moreau, F. P. L.	225
McClain, Emlin	542, 543	Morey, William C.	382
McClatchy, C. K.	974	Morgan, John T.	383, 959
McDermott, Hugh F.	730	Morine, Alfred B.	723, 724
Macdonnel, John	247	Morrell, Edward De V.	960
Macdonell, <i>Sir John</i>	81	Morrill, Justin S.	384-386, 883, 884, 893
Macfarland, H. B. F.	363	Morris, Gouveneur	671
Macfarlane, P. C.	967		
McGrath, P. T.	721, 722, 936		
McHenry, James	619		
McKean, Thomas	564		
Maclay, Edgar S.	364		

Morris, Heman W.-----	387	Phelps, S. L.-----	810
Moser, Johann J.-----	101	Philbert, V.-----	117
Münch, Hans-----	102	Phillimore, G. G.-----	118
Muhlenberg, Frederick A.-----	625	Phillimore, <i>Sir R. J. bart.</i> -----	119
Mullen, J. W.-----	974	Phillimore, <i>Sir Walter G. F. bart.</i> -----	120
Mullins, James.-----	872	Phillips, P.-----	862
Mungen, William.-----	872	Phillipson, Coleman.-----	121, 152
Munro, William B.-----	495	Pic, P.-----	122
Munroe, J. E. C.-----	103	Pickens, F. W.-----	744
Murhard, Frederick W. A.-----	90, 91	Pickering, Timothy.-----	626, 658, 666, 688
Myers, Denys P.-----	104, 105	Pierce, Franklin.-----	396
Myers, Leonard.-----	872	Pierre, Eugène.-----	227
Nelson, Henry L.-----	388, 389	Pinckney, Charles.-----	508, 582
New York (<i>State</i>) <i>Convention</i> , 1788.-----	505	Pinkney, William.-----	684-686, 688
Neyron, Peter J.-----	106	Pitkin, Timothy.-----	627
Nicholas, John.-----	570	Pomeroy, John N.-----	548
Nicholas, Wilson C.-----	658, 669	Ponsonby, A. A. W. H.-----	123
Nicholson, Joseph H.-----	656, 657	Pradier-Fodéré, Camille.-----	125
Nippold, Otfried.-----	107	Pradier-Fodéré, P. L. E.-----	124, 125
Noailles, Jules C. V. <i>duc de</i> .-----	545	Prudhomme, A.-----	126
Nys, Ernest.-----	108, 109	Pruyn, J. V. S. L.-----	872
Ogden, Rollo.-----	392, 393	Pufendorf, Samuel, <i>freiherr</i> von.-----	127-131
Olivi, Luigi.-----	110	Purviance, Samuel D.-----	657
Olney, Richard.-----	111, 806, 916, 937, 938	Putney, Albert H.-----	398
Oncken, A.-----	112	Quabbe, Georg.-----	132
Onís, Luis de.-----	727, 728	Ramsay, David.-----	509
Oppenheim, Lassa F. L.-----	113, 114, 939	Randolph, Carman F.-----	399
Orth, G. S.-----	872	Randolph, Edmund.-----	510, 592, 628-630
Otis, Harrison G.-----	570	Randolph, John.-----	655, 656, 657, 688
Ottley, Henry.-----	226	Rankin, Robert R.-----	631
Pacificus [<i>pseud.</i>] <i>See</i> Hamil- ton, Alexander.-----		Raum, Green B.-----	872
Paignon, Eugène.-----	115	Rawle, William.-----	549
Paine, Robert T.-----	394	Raynall, G. T. F.-----	567
Palmer, Truman G.-----	893	Reeder, Robert P.-----	547
Palmer, Walter B.-----	446	Reeves, Jesse S.-----	792
Palmerston, Lord.-----	822	Renault, Louis.-----	132a-132b
Paschal, George W.-----	546	Reynolds, James B.-----	688
Patterson, Christopher S.-----	395, 547	Rice, Allen T.-----	810
Patterson, William.-----	506	Richard, Henry.-----	133
Pauncefote, Julian.-----	916	Richards, <i>Sir</i> Henry E.-----	941
Pax [<i>pseud.</i>] <i>See</i> McDermott, H. F.-----		Richardson, Hamilton P.-----	511
Peckham, R. W.-----	862	Rivier, Alphonse P. O.-----	134
Penaud, Édouard.-----	169-171	Robbins, A. H.-----	912, 941a
Pennsylvania. <i>Historical so-</i> <i>ciety</i> .-----	507	Roberts, Jonathan.-----	688
Peter Porcupine, <i>pseud.</i> <i>See</i> Cobbett, William.-----		Robertson, David.-----	523
Peters, John A.-----	872	Robertson, John.-----	744
Pflaum.-----	116	Robertson, Thomas B.-----	688
		Robinet de Cléry.-----	229
		Robinson, Chalfant.-----	401, 402, 865, 885
		Rodney, Cæsar A.-----	657
		Rogers, Henry W.-----	403
		Rolin-Jaequemyns, M. G.-----	135

Root, Elihu-----	913, 1001	Stone, Frederick D.-----	507
Root, Erastus-----	688	Story, Joseph-----	413, 552, 577, 672
Rowland, Kate M-----	512	Stratton, G. M-----	974
Rüttimann, Johann J-----	404	Straus, Oscar S-----	764, 765
Ruyssenaers, L. H-----	132b	Stuart, C. E-----	733
Salvioli, Gabrielle-----	136	Stuart-Linton, C. E. T-----	250
Sanwer, Charles-----	93	Sulzberger, Mayer-----	764, 765
Satow, <i>Sir</i> Ernest M-----	140	Sulzer, William-----	761, 762, 764
Saulsbury, Willard-----	704	Sumner, Charles-----	701,
Scala, Rudolf von-----	141		704, 732, 733, 866, 876
Scammell, E. H-----	699	Sutherland, George-----	553
Scelle, Georges-----	1002	Sutherland, J. B-----	744
Schenck, Robert C-----	872	Sutherland, William A-----	554
Scherer, James A. B-----	977	Tariff commission, <i>London</i> -----	154
Schley, William-----	744	Taylor, Hannis-----	155, 414, 943
Schmalz, T. A. H-----	142, 143	Taylor, John-----	658, 688
Schmidt, Bruno-----	144	Teller, Henry M-----	415, 961
Schoen-----	145	Teubern, Ernest G. <i>freiherr</i> von-----	156
Schouler, James-----	632, 670, 919	Thatcher, Samuel-----	657
Schraut, Max von-----	146	Thayer, James B-----	555
Schuyler, Eugene-----	405, 731	Thomas, Philip F-----	886
Scott, E. H-----	516	Thompson-----	810
Scott, James B-----	147	Thompson, B. M-----	416
Sedgwick, Theodore-----	633, 638, 784	Thompson, Joseph P-----	157
Seligmann, Ernst-----	148	Thorpe, Francis N-----	556
Sergeant, Thomas-----	550, 551	Throop, Enos T-----	688
Sewall, Samuel-----	570	Tiffany, Joel-----	557
Seward, William H-----	706, 707, 733	Todd, Alpheus-----	231, 232, 251
Sheffey, Daniel-----	688	Toombs, R-----	733
Shepherd, Wallyn P. B-----	149	Toucey, I-----	733
Sherley, Swagar-----	914	Tower, Charlemagne-----	944, 945
Sherman, Gordon E-----	28, 150, 1003	Traill, Henry D-----	233
Sherwood, H. L-----	54a	Tracy, Uriah-----	658
Sisson, Thomas U-----	978, 979	Travis, Ira D-----	808
Skelton, Oscar D-----	151, 248	Trescot, William H-----	568, 635, 646
Smilie, John-----	656	Triepel, Heinrich-----	94, 160
Smith, <i>Sir</i> Frederick E. <i>bart</i> -----	152	Tryon, James L-----	1005
Smith, George B-----	942	Tucker, Henry St. G-----	688
Smith, Gerrit-----	861, 862	Tucker, Henry St. George-----	283,
Smith, Goldwin-----	249, 495		422-424, 484a, 558, 559
Smith, Hoke-----	1004	Tucker, John Randolph-----	559, 887, 896
Smith, Samuel-----	570	Tucker, St. George-----	560
Smith, William Alden-----	700	Tupper, <i>Sir</i> C. H-----	252
South Carolina. <i>Constitution</i> -----	484	Twiss, <i>Sir</i> Travers-----	161, 235
Spalding, Rufus P-----	872	Ullmann, Emanuel, <i>ritter</i> von-----	162
Sparks, Jared ---	441, 442, 579, 639, 671	United States:	
Spear, Samuel T-----	408-411, 513	<i>Bureau of rolls and library</i> -----	514
Squier, Ephraim G-----	807	<i>Bureau of statistics (Treasury dept.)</i> -----	425, 426
Stanford, Richard-----	688	<i>Bureau of trade relations</i> -----	163
Stephen, Henry J-----	230	<i>Congress</i> -----	569
Stevens, Thaddeus-----	872		636, 673, 687, 743, 785
Stidham, <i>Mrs.</i> Clara H. Kerr-----	412	<i>1st Cong</i> -----	578
Stoerk, Felix-----	153		

United States. *Congress*—Continued.

<i>4th Cong.</i> -----	637, 638, 651, 652	Veto, <i>pseud.</i> See Sedgwick, Theodore.	
<i>5th Cong.</i> -----	570, 571	Viallate, Achille-----	459
<i>8th Cong.</i> -----	674, 675	Vincent, René-----	169-171
<i>14th Cong., 1st sess.</i> ---	688, 689, 690	Viner, Jacob-----	446
<i>15th Cong., 1st sess.</i> ---	702	Virginia. <i>Convention</i> , 1788--	522, 523
<i>23d Cong., 2d sess.</i> -----	744	Visser, L. E.-----	172
<i>29th Cong.</i> -----	787	Vogels, Aloys-----	238
<i>33d Cong., 1st sess.</i> -----	862	Vorhees, Daniel W.-----	893
<i>34th Cong.</i> -----	733	Vosberg-Rekow, Max-----	173, 174
<i>38th Cong., 1st sess.</i> -----	703, 867	Wade, B. F.-----	733
<i>38th Cong., 2d sess.</i> ---	437, 704, 868	Walker, R. J.-----	774
<i>44th Cong., 1st sess.</i> -----	888	Walker, Robert J.-----	789, 790
<i>46th Cong., 2d sess.</i> -----	438	Walker, Thomas A.-----	175, 176
<i>47th Cong., 2d sess.</i> -----	891	Walpole, Sir Spencer-----	232, 239
<i>House</i> -----	427	Wambaugh, Eugene-----	954
<i>Comm. on finance.</i> -----	892	Washburn, Albert H.-----	177
<i>Comm. on foreign af-</i>		Washburn, Cadwalader C.---	872, 877
<i>fairs</i> -----	428-431, 745,	Washburn, Israel-----	862
762-764, 809-812, 869,	877	Washburne, Elihu B.-----	872
<i>Select com. on the inter-</i>		Washington, Bushrod-----	576
<i>oceanic ship canal.</i> ---	813	Washington, George, <i>pres. U. S.</i>	579,
<i>Comm. on the ju-</i>		580, 623, 639, 640	
<i>diary</i> -----	432, 896	Washington, H. A.-----	337,
<i>Comm. on ways and</i>		574, 610, 643, 662	
<i>means</i> -----	433, 889, 894, 962	Watkins, Tobias-----	727
<i>Senate</i> -----	236,	Watmough, J. G.-----	744
434, 439, 647, 814, 893, 895		Watson, David K.-----	561
<i>Comm. on finance.</i> -----	870	Waultrin, René-----	715
<i>Comm. on foreign rela-</i>		Wayne, J. M.-----	744
<i>tions</i> -----	435, 436,	Webb, William H.-----	810
725, 734, 746, 765, 772,		Webster, Daniel-----	461, 738
773, 786, 815-817, 963		Webster, Noah-----	524
<i>Constitutional convention,</i>		Webster, Sidney-----	679
1787-----	515-521	Wehberg, Hans-----	178, 716
<i>Continental congress</i> ---	485-488	Weil, Bruno-----	179
<i>Dept. of state</i> -----	164, 237, 440-	Weller, J. B.-----	733
444, 489, 676, 705-707, 735-737,		Wells, William H.-----	658
747-749, 818-853, 878, 947, 948		Wells, William V.-----	461a
<i>Laws, statutes, etc.</i> -----	445	Westlake, John-----	180, 181
<i>Navy dept.</i> -----	708, 854	Wharton, Francis-----	182,
<i>President</i> -----	709-714,	443, 648, 752, 879	
750, 751, 766, 855, 856, 857, 863		Wheaton, Henry-----	183,
<i>See also names of Presi-</i>		770, 742, 775, 777	
<i>dents.</i>		Wheeler, B. I.-----	974
<i>Tariff commission.</i> -----	446, 447	Wheeler, Everett P.-----	462
<i>Treasury dept.</i> -----	774	White, Harold F.-----	955
<i>Treaties, etc.</i> -----	448-458, 677, 678,	White, Samuel-----	658
793, 858, 859, 916, 949-953, 1006		Whiting, William-----	562
Usher, Roland G.-----	1007	Whitman, William-----	871
Van Buren, Martin-----	788	Whitney, Edward B.-----	463
Vattel, Emmerich de-----	166, 167	Wickerslam, George W.-----	1008
Vergé, Ch.-----	168		

Wicquefort, Abraham van-----	184	Wolff, Christian, <i>freiherr</i> von_	185-187
Wilbur, R. L.-----	974	Woodburn, James A.-----	466, 467
Wild, Robert-----	717	Woodbury, Levi-----	791
Wilde, Richard H.-----	688	Woolsey, Theodore D.-----	188
Williams, John-----	638, 641	Woolsey, Theodore S.-----	188, 468
Williams, John S.-----	964, 1009	Works, John D.-----	1010
Williams, Mary W.-----	860	Wright, Quincy-----	189, 190
Willoughby, Westel W.-----	563	Wright, Robert-----	658, 688
Willson, Beckles-----	464	Wurm, C. F.-----	191, 776
Wilson, Benjamin-----	811	Wyse, Francis-----	469
Wilson, George G.-----	64	Wythe, George-----	470, 472, 481
Wilson, Henry-----	704	Yates, Robert-----	520
Wilson, James-----	564	Yeaman, G. H.-----	880
Wilson, Woodrow, <i>pres.</i> U. S.----	465	Zimmermann, Alfred-----	777
Wolcott, Oliver-----	608, 642	Zorn, Ph.-----	240

SUBJECT INDEX

[The numbers refer to the items, not to the pages.]

In addition to the references given under certain items such as President, Senate, etc., which relate to special articles only, the reader should also consult the general treatises in the sections on Treaty-making power in the United States (items 253-364).

Abrogation of treaties:

See Termination of treaties; U. S.
Treaties: Denmark, 1826;
France, 1778; Gt. Brit., 1817; Gt.
Brit., 1850; Gt. Brit., 1854; Rus-
sia, 1832.

Agreements ----- 12,
13, 18, 22, 39, 84, 85,
110, 140, 160, 167
U. S. ----- 261,
282, 285, 331, 381, 457

Alaska purchase ----- 872-880
Algiers, Treaty, U. S., 1795 --- 643-648
Alien land laws ----- 296,
965-979

Aliens, Rights of, and treaties -- 95,
224, 285, 289, 317, 372, 562
See also U. S. Treaties: Ja-
pan, 1894; Japan, 1911.

Alliances ----- 33,
52, 57, 101, 113, 166,
167, 185-187, 221, 285

Bibliography ----- 33

Anglo-American treaties ----- 264
Bibliography ----- 264

See also Clayton-Bulwer
treaty; Panama canal
question; and U. S. Treat-
ies: Gt. Brit.

Annexation, Treaties of:

See Territory, Acquisition
or cession of, by treaty.

Annulment of treaties:

See Termination of treaties.

Appropriation, Treaties involv-
ing ----- 285,
411, 412, 544, 654-658, 861-863

See also U. S. Treaties:
France, 1803; Mexico,
1853; Russia, 1867.

Arbitration treaties ----- 111, 178

Brazil ----- 201

France ----- 227

U. S. ----- 236,

253, 334, 354, 363, 379, 381,

394, 414, 457, 915, 916, 980-1010

List of ----- 451

Austria-Hungary:

Commercial treaties. 219, 446, 447

Treaty-making power ----- 206,

207, 210, 218, 223, 236

Baden ----- 218

Balkan states ----- 207

Bavaria ----- 218

Belgium ----- 206, 207,

210, 212, 213, 218, 223, 235, 237

Brazil:

Arbitration treaties ----- 201

Treaty-making power ----- 237, 285

Bulgaria ----- 210, 218

Canada:

Commercial treaties ----- 446, 447

Most-favored nation trea-
ties ----- 151, 248

Treaties, United States ----- 273

Treaty-making power ----- 241-252

Cancellation of treaties:

See Termination of treaties.

Central American affairs:

See Clayton-Bulwer treaty.

Chile ----- 207, 237

Classification of treaties ----- 12, 97

Clayton-Bulwer treaty,

1850 ----- 73, 794-860

Bibliography ----- 795, 808, 860

Coasting trade ----- 114

Colonies, Gt. Brit. ----- 241-252

Commercial treaties ----- 32, 38,

52, 78, 84, 85, 97, 112-114,

117, 146, 168, 170, 173, 174,

285, 286, 337, 368, 381, 405, 418,

446, 447, 461, 470, 480, 485, 498

- Commercial treaties—Continued.
 Collection of, general..... 219
 U. S.----- 322, 323, 425-430, 457,
 500, 507, 510, 537, 540, 544, 562
See also Most-favored nation
 treaties; Reciprocity treat-
 ies.
 Confederate states of America.. 200, 424
 Confederation, 1774-1787, Trea-
 ties and treaty-making power
 under ----- 322, 323, 470-489
 Congress:
 Duty to enforce treaties.. 285, 462
 Legislation to give effect to
 treaties ----- 6, 285, 313
 Power to abrogate treaties.. 415
 Rights of, concerning
 treaties ----- 285,
 329, 350, 387, 409, 411, 439
See also House of Repre-
 sentatives; Senate.
 Constitution, Treaties subordi-
 nate to ----- 399
 Constitutional aspects of treaty-
 making power ----- 6,
 190, 257, 265, 268, 283, 285,
 286, 287, 291, 292, 294, 310,
 312, 326, 327, 345, 349, 354, 400,
 411, 423, 468, 525-564, 582, 595
 Consular officers, Rights under
 treaties ----- 24, 80, 285
 "Convention," definition ---- 285, 381
 Conventions, U. S. Compilation
 of ----- 451-457
 Copyright treaties ----- 57, 285
 Costa Rica ----- 237, 285
 Cuba:
 Treaties, U. S. 1902 ----- 956-964
 Treaty-making power ----- 285
 Danish Sound dues ----- 729-738
 Denmark ----- 207, 210, 218, 236
 Dependencies ----- 285
See also Gt. Brit. Colonies.
 Dissolution of treaties:
See Termination of treaties.
 Effect of treaties ----- 12, 31, 71, 97
See also War, Effect on
 treaties.
 Efficacy of treaties:
See Legal force and execu-
 tion.
 Enforcement of treaties ----- 107, 165,
 269, 282, 284, 285, 319, 333, 381
 Execution of treaties ----- 18,
 28, 31, 33, 35, 36, 84, 85, 97, 224
See also Legal force and
 execution.
 Expiration of treaties:
See Termination of treaties.
 Extradition treaties ----- 176,
 285, 294, 332, 380, 457, 469
 Federal convention, 1787, Treaty-
 making power as considered
 in ----- 490-524
 Federal courts, Jurisdiction of.. 285
 Finland ----- 210
 Florida treaty, 1821 ----- 254, 285
 Forms of treaties ----- 85, 107, 285
 France:
 Commercial treaties ----- 446, 447
 Most-favored-nation ----- 446, 447
 Ratification of treaties ----- 140, 228
 Treaty-making power ----- 198, 199,
 206, 207, 209, 210, 212,
 214, 218, 221, 223, 225,
 227, 229, 236, 237, 420
 Treaties—
 U. S. 1778 ----- 470, 565-571
 U. S. 1803 ----- 653-679
 U. S. 1831 ----- 350, 468, 739-752
 Germany:
 Most-favored-nation.. 44, 446, 447
 Ratification of treaties --- 140, 228
 Treaties ----- 102, 240
 U. S. 1844 ----- 386, 767-775
 Treaty-making power ----- 206,
 207, 209, 210, 212, 217,
 218, 220, 223, 236, 238
 Great Britain:
 Most-favored-nation ----- 45,
 75, 154, 446, 447
 Ratification of treaties --- 140, 228
 Treaties, Collections of. --- 22a, 42
See also Treaties, Col-
 lections, General.
 Commercial ----- 219, 446, 447
 Guaranty ----- 103
 U. S. 1794 ----- 581-642
 U. S. 1815 ----- 680-690
 U. S. 1817 ----- 691-717
 U. S. 1818 ----- 718-725
 U. S. 1850 (*Clayton-Bul-*
wer) ----- 73, 794-860
 U. S. 1854 ----- 864-871
 U. S. 1897 ----- 915, 916

- Great Britain—Continued.
 Treaties, Collections of—Con.
 U. S. 1901 (*Hay-Pauncefote*)----- 920-955, 992
 Treaty-making power_ 22, 192-194,
 196, 197, 199, 200, 203-
 210, 215, 216, 222-224,
 226, 230-234, 236, 237
- Great Britain, Colonies:
 Ratification of treaties----- 228
 Treaty-making power---- 241-252
- Great Lakes, Limitation of armament on----- 285, 691-717
- Greece----- 207, 210, 218, 236, 237
- Guaranty, Treaties of----- 41,
 57, 61, 99, 99a, 103, 113, 132
 Bibliography ----- 61, 132
- Guatemala----- 237, 285
- Hawaiian Islands:
 Commercial treaties_ 285, 446, 447
 Treaties—
 U. S. 1875----- 881-893
 U. S. 1884----- 896
 U. S. 1897----- 917-919
- Hay-Pauncefote treaty--- 920-955, 992
- Hesse-Darmstadt----- 218
- History of treaties----- 7, 47, 48, 71,
 127-131, 141, 166, 167, 184-187
- Honduras----- 237, 285
- House of Representatives and
 treaty-making power ----- 200,
 285, 302, 322, 323, 329, 330, 337,
 358, 366, 401, 402, 412, 427-432,
 436-438, 461a, 468, 500, 539, 540,
 597, 599-602, 604, 606, 608-611,
 613-616, 619, 621-623, 625, 626,
 633, 638-644, 654, 684-690, 726
 Bibliography----- 402
See also Appropriation, Treaties involving; U. S. Treaties, Cuba, 1902; Hawaiian Is., 1875, 1884; Mexico, 1883.
- Indian treaties----- 200, 285,
 364, 365, 371, 381, 412, 417,
 445, 471, 476, 478, 572-580
- International agreements:
See Agreements.
- International arbitration:
See Arbitration, International.
- Interoceanic canals:
See Clayton-Bulwer treaty;
 Panama canal question.
- Interpretation of treaties----- 3, 5, 17,
 18, 22, 28, 31, 33, 47, 48, 50, 60,
 71, 73, 74, 97, 113, 122, 126, 166,
 167, 175, 185-187, 285, 294, 457
 Bibliography ----- 60, 122
- Inviolability of treaties ----- 71
- Ireland ----- 210
- Isthmian canals:
See Clayton-Bulwer treaty;
 Panama canal question.
- Italy:
 Commercial treaties-- 219, 446, 447
 Ratification of treaties----- 228
 Treaty-making power---- 206, 207,
 209, 210, 212, 218, 223, 236, 237
- Japan:
 Commercial treaties-- 219, 446, 447
 Treaties—
 U. S., 1894----- 897-914
 U. S., 1911----- 965-979
 Treaty-making power_ 207, 218, 237
- Japanese school question----- 897-914
- Jay treaty--- 322, 323, 411, 468, 581-642
 Bibliography----- 631
- Judicial decisions and treaties-- 200,
 270-272, 440
 Digest of ----- 285
- Language of treaties ----- 188, 285
- Law of treaties----- 69, 74, 107, 189, 285
- Legal force and execution----- 35, 36,
 71, 84, 85, 107, 113, 148, 285, 410
See also Execution of treaties.
- Legislation to give effect to treaties:
See Congress.
- Legislative bodies in relation to
 treaty-making power----- 27, 179,
 195, 213, 223, 227, 238, 337, 343
 Bibliography ----- 27, 179
See also House of Representatives; Senate.
- Liberia ----- 237
- Limitation of armament on Great
 Lakes----- 285, 691-717
- Limitations of treaties----- 161, 189
- Limitations of treaty-making
 power----- 200, 257,
 267, 337, 351, 422, 553, 558, 559, 582
See also Constitutional aspects.
- Louisiana treaty ----- 285,
 468, 653-679
- Luxemburg ----- 207

Mexico:

Treaties—

U. S. 1848	792, 793
U. S. 1853	350, 861
U. S. 1883	894, 895
Treaty-making power	207, 236
Migratory bird law	460
Mississippi, Navigation of the	285, 522, 523
Monroe doctrine:	
<i>See</i> Clayton-Bulwer treaty;	
U. S. Treaties, Mexico, 1853.	
Montenegro	210
Morocco	237
Most-favored-nation treaties	15, 19, 21, 25, 34, 38, 44, 53, 54, 58, 75, 78, 80, 112, 116, 118, 146, 149, 151, 154, 156, 163, 172, 177, 248, 285, 337, 346, 446, 447, 486
Bibliograph	15, 34, 44, 45, 156
Municipal law, Operation of treaties as	285, 410
Naval forces on Great Lakes	285, 691-717
Negotiation of treaties	18, 39, 79, 81, 97, 107, 183, 282, 284, 285, 412
Netherlands	206, 207, 210, 218, 223, 237
Neutrality treaties	150, 285
Newfoundland fisheries dispute	718-725
Nicaragua	237, 285
<i>See also</i> Clayton-Bulwer treaty.	
Non-political interests, Unions	113
North German Confederation treaty, 1868	431
Norway	207, 210, 218, 236, 237
Objects of treaties	113
Obligation of treaties	4, 10, 35, 55, 74, 98, 107, 133, 159, 166, 167, 285, 391
Outworn treaties	20
Panama	237, 285
Panama canal question	920-955
Paraguay	237, 285
Paris, Treaty of, 1803	653-679
Parties to treaties	113
Passport question, Russian	753-766
Patent treaties	57
Peace, Treaties of	18, 28, 50, 52, 97, 120, 121, 134, 166, 167, 183, 185-187, 194, 285, 541, 980-1010
137190°—20—15	

Peace, Treaties of--Continued.

Bibliography	120
<i>See also</i> , War, Termination of.	
Perfecting treaties	31
Persia	237, 285
Peru	237, 285
Political treaties	78, 97, 168, 285
Portugal	207, 210, 218, 236
Postal treaties	57, 285, 381
President, France:	
Diplomatic powers of	199
United States	199, 254, 259, 263, 274, 275, 282, 284, 285, 303, 308, 318, 321-324, 373, 375, 406, 461a, 464, 548, 598
Private international law,	
Treaties of	97, 224
Protection, Treaties of	113
"Protocol" definition	285, 381
Protocols, U. S.	457
Prussia	212
Public international law,	
Treaties of	97
Ratification of treaties	28, 31, 33, 39, 71, 79, 84, 85, 96, 97, 113, 115, 140, 148, 191, 195, 220, 228, 285, 344, 389
Rebus sic stantibus	14, 67, 136, 144, 285, 943
Bibliography	67
Reciprocity treaties	33, 285, 287, 302, 311, 346, 381, 383-387, 395, 401, 425, 426, 429, 430, 432, 433, 435, 436, 446, 447, 457
<i>See also</i> Commercial treaties; Most-favored-nation treaties; Treaties: U. S. Cuba, 1902; U. S. Gt. Brit., 1854; U. S. Hawaiian Islands, 1875; Zollverein treaty, 1844.	
Reconfirmation of treaties	113
Renewal of treaties	71, 113, 166, 167
Repudiation of treaties:	
<i>See</i> Termination of treaties.	
Reservations	178, 201
Revenue laws, Treaties involving a modification of	285
Rights of legation and treaty	50
Rumania	207, 210
Rush-Bagot convention	691-717
Russia:	
Breach of treaties	72
Most-favored-nation	446, 447

Russia—Continued.

Ratification of treaties... 140, 228

Treaties—

U. S. 1832..... 753-766

U. S. 1867..... 358, 872-880

Treaty-making power... 207, 210, 218

Russian passport question... 753-766

Salvador..... 207, 237

Sanctity of treaties..... 30,

63, 137-139, 285

Savages, Treaties with..... 82, 180

Saxony..... 218

Secret treaties..... 198, 203, 285, 412

Senate..... 195, 200,

254, 256, 259, 271, 274, 275, 284,

285, 335-337, 355-357, 359, 360,

362, 373, 375, 378, 388-390, 392,

393, 405-407, 412, 461a, 464-468

Amendment of treaties..... 284,

285, 416

Arbitration treaties..... 236,

258, 451, 459, 980-1010

Reciprocity treaties... 287, 302, 311

Rejection of treaties... 228, 284, 285

Secret sessions..... 285, 434

Treaties rejected by..... 228

Servia..... 207, 210, 218

Siam..... 237

Sound dues, Danish..... 729-738

Spain:

Commercial treaties... 219, 446, 447

Treaties—

U. S. 1795..... 649-652

U. S. 1819..... 726-728

U. S. 1884..... 895

Treaty-making power... 207,

209, 210, 218, 223, 236, 237

State laws and treaties..... 255, 266,

269-271, 276, 278, 279, 281,

285, 289, 294-296, 298, 308,

309, 315, 316, 319, 325, 337-

340a, 348, 382, 396-398, 403,

410, 479, 486, 496, 505, 507

See also Supremacy of trea-

ties; U. S. Treaties: Ja-

pan, 1894; Japan, 1911.

Strengthening of treaties..... 12

Supremacy of treaties..... 277,

278, 295, 297, 399, 409-411,

480, 481, 496, 513, 547, 654

Sureties for fulfillment of trea-

ties..... 166, 167, 285

Suspension of treaties..... 153

Sweden..... 207, 210, 218, 236, 237

Switzerland... 207, 210, 212, 218, 236, 237

Telegraph treaties..... 57

Termination of treaties..... 12, 22,

31, 33, 35, 39, 66, 71, 78, 84,

85, 97, 107, 113, 158, 166, 167,

282, 285, 291, 350, 409, 412

See also U. S. Treaties,

Hawaiian Is. 1875; Rus-

sia, 1857.

Territory, Acquisition or cession

of, by treaty..... 265, 285,

294, 337-340a, 353, 371, 399,

403, 412, 413, 468, 541, 548

See also U. S. Treaties:

France, 1803; Hawaiian

Is., 1897; Russia, 1867;

Texas, 1844.

Texas, Annexation of, 1844..... 285,

313, 778-791

Texts of treaties:

See Treaties, Collections.

Third states, Participation of,

in treaties..... 85, 113

Trade-marks treaties..... 57

Treaties..... 13, 31, 52, 54a,

54b, 56, 57, 59, 65, 69, 77-79,

81, 84, 85, 97, 101, 106, 108-110,

113, 124, 125, 134, 140, 142, 143,

152, 157, 162, 166, 167, 179, 285

Collections, General... 1, 54a, 54b, 70,

86-94, 132a, 132b, 169-171, 188

Canada..... 273

France..... 202

Germany..... 240

Great Britain..... 22a, 42

United States..... 100, 182,

294, 299, 300, 314, 448-459

History of..... 7, 47, 48, 71,

127-131, 141, 166, 167, 184-187

See also Commercial trea-

ties, Extradition treaties,

Peace, Treaties of, etc.

"Treaty" Definition..... 285, 381

Treaty rights --- 83, 161, 183, 224, 352

Turkey:

Commercial treaties... 219, 446, 447

Treaty-making power... 207, 210, 218

Unconstitutional law and

treaties..... 460

United States:	
Agreements-----	261, 282, 285, 331, 381, 457
Arbitration treaties-----	236, 253, 258, 334, 354, 363, 379, 381, 394, 414, 915, 916, 980-1010
Commercial treaties-----	322, 323, 425-430, 500, 507, 510, 537, 540, 544, 562
Most-favored-nation treaties	19, 25, 38, 75, 177, 285, 337, 346, 446, 447, 486
Ratification of treaties--	140, 228
Treaties, Abrogated-----	452-457
Collections of-----	100, 182, 294, 299, 300, 314, 448-459
Fidelity to-----	337-340a
Judicial decisions-----	200, 270, 272, 285, 440
Treaties in force----	448-457
Treaties rejected by	
Senate-----	228
Algiers, 1795-----	643-648
Cuba, 1902-----	956-964
Denmark, 1826-----	729-738
France, 1778-----	470, 565-571
France, 1803-----	653-679
France, 1831-----	350, 468, 739-752
Germanic states, 1844-	386, 767-775
Great Britain, 1794--	581-642
Great Britain, 1815--	680-690
Great Britain, 1817--	691-717
Great Britain, 1818--	718-725
Great Britain, 1850----	73, 794-860
Great Britain, 1854--	864-871
Great Britain, 1897--	915, 916
Great Britain, 1901----	920- 955, 992
Hawaiian Islands,	
1875-----	881-893
Hawaiian Islands,	
1884-----	896

United States—Continued.

Treaties—Continued.

Hawaiian Islands,	
1897-----	917-919
Indians, Creek,	
1790-----	572-580
Japan, 1894-----	897-914
Japan, 1911-----	965-979
Mexico, 1848-----	792, 793
Mexico, 1853-----	861-863
Mexico, 1883-----	894, 895
Russia, 1832-----	753-766
Russia, 1867-----	358, 872-880
Spain, 1795-----	649-652
Spain, 1819-----	726-728
Spain, 1884-----	895
Texas, 1844-----	285, 313, 778-791
Treaty-making power:	
General discussions,---	209, 218, 223, 253-469
Under the Confedera-	
tion-----	470-489
In the Federal con-	
vention-----	490-524
Writings on the Consti-	
tution-----	525-564
Considerations in re-	
spect to Special trea-	
ties-----	565-1010
Validity of treaties-----	71, 76, 97, 165, 202, 220
Venezuela-----	207, 237
Violation of treaties-----	105
Voidance of treaties-----	113, 285
War, Effect of, on treaties----	22, 28, 29, 62, 64, 74, 123, 153, 176, 194, 285
Bibliography-----	64, 123
War, Termination of-----	49, 121
See also Peace, Treaties of.	
Wurtemberg-----	218
Zollverein, treaty, 1844-----	386, 767-775